

FRIDAY, MAY 21, 2004

NINETY-SECOND LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:30 a.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Senator Cohen.

PLEDGE OF ALLEGIANCE

Senator Ramsey led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 31

Senators present were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Haynes as Speaker pro tempore.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 3621 -- Sumner County -- Subject to local approval, redesignates title "county mayor" to "county executive".

House Bill No. 3623 -- Sumner County -- Subject to local approval, redesignates title of "county mayor" to "county executive".

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 1208 by Senators Southerland, Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder.
Memorials, Death -- Joseph Leslie "Joe" Bewley.

Senate Joint Resolution No. 1209 by Senator Crutchfield.
General Assembly, Adjournment -- Adjourns the 103rd General Assembly sine die on May 21, 2004.

Senate Resolution No. 272 by Senator Harper.
Memorials, Interns -- David Shaw.

Senate Resolution No. 273 by Senator Kilby.
Memorials, Interns -- Brandalyn Michelle Hayes.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 1205 -- Memorials, Death -- Emerson Beck "Buzz" Tanner.

The Speaker announced that he had referred Senate Joint Resolution No. 1205 to Committee on Calendar.

Senate Joint Resolution No. 1207 -- Memorials, Death -- Robert Jeremy Crossett.

The Speaker announced that he had referred Senate Joint Resolution No. 1207 to Committee on Calendar.

MR. SPEAKER WILDER RESUMES CHAIR

Mr. Speaker Wilder resumed the Chair.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Friday, May 21, 2004: House Joint Resolutions Nos. 977, 1012, 1013 and 1088.

This the 21st day of May, 2004.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #3**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Friday, May 21, 2004: House Joint Resolutions Nos. 1321, 1322, 1323, 1324, 1325, 1326, 1327 and 1328.

This the 21st day of May, 2004.
CROWE, Chairperson.

CONSENT CALENDAR NO. 1

House Joint Resolution No. 1050 -- Memorials, Congratulations -- Michael McDonald.

House Joint Resolution No. 1295 -- Memorials, Academic Achievement -- Summa Cum Laude Candidates of Draughons Junior College.

House Joint Resolution No. 1316 -- Memorials, Recognition -- Beethoven Club.

House Joint Resolution No. 1317 -- Memorials, Personal Occasion -- Mrs. Etta Buchanan, 100th birthday.

House Joint Resolution No. 1318 -- Memorials, Recognition -- 2004 Cookeville Battle of the Bands winner, Groundskeeper Willie and the Transcendentalists.

House Joint Resolution No. 1319 -- Memorials, Retirement -- Evadine Ownby McMahan.

House Joint Resolution No. 1320 -- Memorials, Recognition -- Reverend Herbert T. Brown.

House Joint Resolution No. 740 -- General Assembly, Studies -- Creates joint committee to study the prevalence of cervical cancer and human papillomavirus in women and evaluate the current methods of public education and access to regular cervical cancer screening and options for increasing screening accuracy.

House Joint Resolution No. 953 -- General Assembly, Studies -- Creates a joint committee to study the need to require seatbelts on all vehicles used to transport school children.

House Joint Resolution No. 1047 -- General Assembly, Studies -- Creates special joint committee to study local government modernization.

House Joint Resolution No. 1062 -- General Assembly, Studies -- Creates special joint committee to study new delivery method for CPR in emergency care for cardiac arrest.

Senate Joint Resolution No. 936 -- General Assembly, Studies -- Creates a special joint committee to study assistive technology assistance.

Senate Joint Resolution No. 1205 -- Memorials, Death -- Emerson Beck "Buzz" Tanner.

Senate Joint Resolution No. 1207 -- Memorials, Death -- Robert Jeremy Crossett.

Senator Crowe moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--27.

A motion to reconsider was tabled.

CALENDAR

Senator Crowe moved that **Senate Bill No. 2617** be placed at the heel of the calendar for today, which motion prevailed.

Senator Cohen moved that **Senate Bill No. 2973** lay on the desk, which motion prevailed.

FRIDAY, MAY 21, 2004 -- 92ND LEGISLATIVE DAY

Senator Burks moved that **Senate Bill No. 3297** be considered before **Senate Bill No. 2987**, which motion prevailed.

Mr. Speaker Wilder moved that **Senate Bill No. 3297** be moved behind the Local Bill Consent Calendar, which motion prevailed.

Senator Trail moved that **House Joint Resolution No. 1009** be rereferred to the Committee on State and Local Government, which motion prevailed.

MOTION

Senator Crowe moved that **Senate Bill No. 3529** be rereferred to the Committee on Calendar, which motion prevailed.

LOCAL BILL
CONSENT CALENDAR

Senate Bill No. 3528 -- Sumner County -- Subject to local approval, redesignates title "county mayor" to "county executive".

On motion, Senate Bill No. 3528 was made to conform with **House Bill No. 3621**.

On motion, House Bill No. 3621, on same subject, was substituted for Senate Bill No. 3528.

Senator Crowe moved that **House Bill No. 3621** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--29.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 3297 -- Education, Higher -- Enacts the "Higher Education Accountability Act of 2004".

On motion, Senate Bill No. 3297 was made to conform with **House Bill No. 3319**.

On motion, House Bill No. 3319, on same subject, was substituted for Senate Bill No. 3297.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following language as a new Section immediately preceding the effective date Section of the bill:

SECTION ____ Tennessee Code Annotated, Section 49-7-107, is amended by deleting the section in its entirety and by substituting instead the following:

(a) The state university and community college system and the board of trustees of the University of Tennessee are authorized and empowered to take such steps as they deem necessary for the establishment of foundations for the state technology centers, colleges, and universities under their control. The state university and community college system or the board of trustees of the University of Tennessee, as appropriate, shall enter into a written agreement with each foundation established for the benefit of a state technology center, college, or university. All agreements shall include, at a minimum, provisions related to the relationship between the foundation and the institution, the role and purpose of the foundation, and the foundation's use of the institution's name. Such agreements shall be filed with the governing board of the institution and the Tennessee Higher Education Commission.

(b) All annual reports and all books of accounts and financial records of a foundation created for the benefit of a state technology center, college or university shall be subject to audit by the comptroller of the treasury.

(c) All records of a foundation created for the benefit of a state technology center, college, or university shall be available for public inspection pursuant to Title 10, Chapter 7, Part 5, provided however, that the identity of donors or prospective donors shall not be public records or otherwise available for public inspection, unless the donor or prospective donor expressly authorizes the release of such information. In addition, any work papers and correspondence between any donor or prospective donor and any authorized person soliciting a donation or gift on behalf of the foundation shall not be public records or otherwise available for public inspection.

(d) No more than two (2) members of a foundation board or twenty percent (20%) of the total number of members of a foundation board, whichever is greater, shall serve concurrently on both a foundation board and the Tennessee board of regents. No more than two (2) members of a foundation board or twenty percent (20%) of the total number of members of a foundation board, whichever is greater, shall serve concurrently on both a foundation board and the board of trustees of the University of Tennessee.

(e) Each foundation board chair or foundation board president shall certify in writing to the Tennessee Higher Education Commission, on or before July 15 each year, that the foundation is in compliance with this section.

(f) The provisions of this section shall apply to any foundation established pursuant to Section 49-11-402(a)(4).

On motion, Amendment No. 1 was adopted.

On motion of Senator Fowler, Amendment No. 2 was withdrawn.

On motion of Senator Fowler, Amendment No. 3 was withdrawn.

Senator Fowler moved to amend as follows:

AMENDMENT NO. 4

AMEND by adding the following as a new section to precede the effective date section:

SECTION __. The hiring of campus internal auditors shall be done upon the recommendation of the institutional presidents with the approval of the Chancellor or the University of Tennessee President or designee as applicable. Termination of employment of campus internal auditors shall require prior approval by the Chancellor or University of Tennessee President as applicable and the board audit committee. Annual or other periodic audits of chief executives shall be performed by an internal auditor(s) that is not an employee of the institution of the chief executive being audited.

On motion, Amendment No. 4 was adopted.

Thereupon, **House Bill No. 3319**, as amended, passed its third and final consideration by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

Senate Bill No. 2987 -- Education, Higher -- Requires university foundations to adopt codes of ethics and provides procedure for removal of foundation board members who violate such codes. Amends TCA Section 49-7-107.

On motion, Senate Bill No. 2987 was made to conform with **House Bill No. 2853**.

On motion, House Bill No. 2853, on same subject, was substituted for Senate Bill No. 2987.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting in subsection (c) of the amendatory language of Section 1 the language "created pursuant to this section" and by substituting instead the language "created for the benefit of a state technology center, college or university".

On motion, Amendment No. 1 failed by the following vote:

Ayes 10
Noes 16

Senators voting aye were: Burchett, Burks, Harper, Herron, Ketron, McNally, Miller, Norris, Trail and Williams--10.

Senators voting no were: Atchley, Bryson, Clabough, Crowe, Crutchfield, Dixon, Fowler, Graves, Jackson, Kilby, Kurita, Kyle, McLeary, Person, Ramsey and Southerland--16.

On motion of Senator Fowler, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 2853** passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senator Cooper moved that Rule 37 be suspended for the immediate consideration of **Senate Bill No. 2329**, which motion prevailed.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
SENATE BILL NO. 2329/HOUSE BILL NO. 3093**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 3093 (Senate Bill No. 2329) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 7, Part 1, is amended by adding the following language as a new section:

§ 50-7-107. Notwithstanding any provision of this chapter or any other law to the contrary,

If a person, corporation or business entity maintains an employment registry/referral service exclusively for companion-sitters seeking employment opportunities for providing personal attendant, companionship, household care, ancillary health care or related services to elderly, sick or disabled clients or to children; and

If the companion-sitters do not provide personal attendant, companionship, household care, ancillary health care or related services for hire to non-profit organizations, Indian tribes or state or local governments; and

If, pursuant to the provisions of the federal insurance contributions act, the federal unemployment tax act, or the collection of income tax at source on wages, (Chapters 21, 23 and 24, respectively, Subtitle C, Internal Revenue Code), the Internal Revenue Service issues a determination that a companion-sitter is not an

employee of the person, corporation or business entity under the typical registry/referral arrangements of such person, corporation or business entity; then,

Companion-sitters, who receive referrals under registry/referral arrangements substantially similar to those addressed within such IRS determination, shall not be classified as employees of such person, corporation or business entity pursuant to the provisions of the Tennessee employment security law; unless, the person, corporation or business entity and the department mutually agree to the reclassification of the companion-sitters as employees of such person, corporation or business entity in order to absolve such elderly, sick or disabled clients or the parents of such children from liability for payment of any premiums, fees or other costs that may be imposed pursuant to the provisions of the Tennessee employment security law. The provisions of this section shall not be construed to require forgiveness or refund of any premiums, fees or other related costs duly imposed prior to the effective date of this act.

SECTION 2. Tennessee Code Annotated, Section 50-7-403(b)(4), is amended by adding the following sentences to the end of the subdivision:

If the transferring employer or successor employer demonstrates, to the satisfaction of the commissioner, that a failure to timely provide such notification and written consent resulted from excusable mistake or inadvertence, then the commissioner may appropriately extend the period within which such notification and written consent may be provided to the department. Any modification of premium rates resulting from any such extension shall take effect on, and apply prospectively from, the date on which such transfer is accepted by the department; and the provisions of this subdivision shall not be construed to require forgiveness or refund of any premiums, fees or other related costs duly imposed prior to the effective date of this act.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, then such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect July 1, 2004, the public welfare requiring it.

/s/ Senator Jerry Cooper
/s/ Senator Larry Trail
/s/ Senator Bill Clabough

/s/ Representative Randy Rinks
/s/ Representative Robert Briley
/s/ Representative Bob McKee

Senator Cooper moved that the Conference Committee Report on **Senate Bill No. 2329/ House Bill No. 3093** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

MOTION

Senator Cooper moved that Rule 37 be suspended for the purpose of considering **Senate Bill No. 3300**, out of order, which motion prevailed.

Senate Bill No. 3300 -- Mobile Homes and Manufactured Buildings -- Exempts employees from license and bonding fees applicable to licensed retailers and manufacturers; exempts HVAC installers from licensing requirements if they do not perform any other duties other than HVAC installation. Amends TCA Title 68, Chapter 126.

On motion, Senate Bill No. 3300 was made to conform with **House Bill No. 3411**.

On motion, House Bill No. 3411, on same subject, was substituted for Senate Bill No. 3300.

On motion of Senator Cooper, Amendment No. 1 was withdrawn.

On motion of Senator Cooper, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 3411** passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Southerland, Trail, Williams and Mr. Speaker Wilder --29.

A motion to reconsider was tabled.

SENATE MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2152 -- Taxes, Privilege -- Increases maximum privilege tax on litigation in all civil and criminal cases in Jefferson County from \$10.00 to \$50.00. Amends TCA Section 67-4-601.

HOUSE AMENDMENT NO. 5

AMEND by deleting the amendatory language of Section 1 and substituting instead the following:

(b)() Notwithstanding any provision of law to the contrary, in counties having a population of <u>not less than</u>	<u>nor more than</u>
11,700	11,800
15,500	15,600
16,800	16,900
25,450	25,550

25,575	25,650
24,600	24,700
44,200	44,300

according to the 2000 federal census or any subsequent federal census, a privilege tax on litigation in all civil and criminal cases may be levied in an amount not to exceed fifty dollars (\$50.00) per case.

Senator Williams moved that the Senate concur in House Amendment No. 5 to **Senate Bill No. 2152**, which motion prevailed by the following vote:

Ayes	28
Noes	0
Present, not voting . . .	1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Dixon, Fowler, Graves, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

Senator present and not voting was: Kilby--1.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 6

AMEND by deleting the language "fifty dollars (\$50.00)" from Section 1, as amended, and by substituting instead the language "twenty-five dollars (\$25.00)".

Senator Williams moved that the Senate concur in House Amendment No. 6 to **Senate Bill No. 2152**, which motion prevailed by the following vote:

Ayes	24
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Fowler, Graves, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, Miller, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--24.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 7

AMEND by inserting the figure "28,800" under the heading "not less than" and by inserting the figure "28,900" under the heading "not more than".

Senator Williams moved that the Senate concur in House Amendment No. 7 to **Senate Bill No. 2152**, which motion prevailed by the following vote:

Ayes	27
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Crowe, Crutchfield, Dixon, Fowler, Graves, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Trail, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 3128 -- Highway Signs -- "John Douglas Ward Memorial Bridge", railroad overpass bridge on S.R. 62 in Lancing community of Morgan County.

Senator Kilby moved to lift from the table a motion to reconsider on **House Bill No. 3128**, which motion prevailed.

Senator Kilby moved that the Senate reconsider its action in passing **House Bill No. 3128**, which motion prevailed.

Senator Kilby moved that the Senate reconsider its action in adopting Amendment No. 2 to **House Bill No. 3128**, which motion prevailed.

Senator Kilby moved that Amendment No. 2 to **House Bill No. 3128** be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 3128** passed its third and final consideration by the following vote:

Ayes	27
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Fowler, Graves, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

MOTION

Senator Crowe moved that Consent Calendar No. 2 be considered next, which motion prevailed.

CONSENT CALENDAR NO. 2

House Joint Resolution No. 977 -- Highway Signs -- Designates State Route 30 in Warren County the "Veterans Memorial Highway".

House Joint Resolution No. 1012 -- Highway Signs -- Directs Department of Transportation to erect memorial marker for late Deputy Dennis Ray Armes of Roane County Sheriff's Department on S.R. 58 in Roane County.

House Joint Resolution No. 1013 -- Highway Signs -- Directs Department of Transportation to erect memorial marker for late Deputy Alan Wayne Shubert of Roane County Sheriff's Department on S.R. 58 in Roane County.

House Joint Resolution No. 1088 -- Highway Signs -- "W. Townsend 'Townie' Anderson Highway", segment of U.S. 321 and Scenic S.R. 73 in Blount County.

Senator Crowe moved that all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

NOTICE

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to return House Bill No. 3467, for further consideration.

BURNEY T. DURHAM,
Chief Clerk.

House Bill No. 3467 -- Sexual Offenses -- Enacts the "Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004" and creates the Class E felony offense of perjury regarding a sexual offender registration form. Amends TCA Section 39-16-702 and Title 40, Chapter 39.

Senator Jackson moved to lift from the table a motion to reconsider on **House Bill No. 3467**, which motion prevailed.

Senator Jackson moved that the Senate reconsider its action in passing **House Bill No. 3467**, which motion prevailed.

Senator Jackson moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting the first two sentences of subsection (e) of Section 40-39-206 of the amendatory language of Section 1 and substituting instead the following:

For all sexual offenses, and offenses now defined as violent sexual offenses, committed on or after July 1, 1997, the information concerning a registered offender set out in subdivisions (1)-(10) shall be considered public information.

AND FURTHER AMEND by deleting from subsection (a) of Section 40-39-211 of the amendatory language of Section 1 the language "establish a primary or secondary residence or accept employment" and substituting instead the language "reside or work".

AND FURTHER AMEND by deleting from subsection (b) of Section 40-39-211 of the amendatory language of Section 1 the language "establish a primary or secondary residence" and substituting instead the language "reside".

AND FURTHER AMEND by deleting from subsection (c) of Section 40-39-211 of the amendatory language of Section 1 the language "establish a primary or secondary residence or any other living accommodation" and substituting instead the language "reside".

Pursuant to Rule 39(3), Amendment No. 3 was adopted by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

Thereupon, **House Bill No. 3467**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Graves as Speaker pro tempore.

MOTION

Senator Cooper moved that Rule 83 be suspended for the purpose of allowing the Committee on Commerce, Labor and Agriculture to meet during the Senate's first recess today to consider **Senate Bill No. 905**, which motion prevailed.

MOTION

Senator Henry moved that Rule 83 be suspended for the purpose of allowing the Committee on Finance, Ways and Means to meet during the Senate's first recess today, at the conclusion of the meeting of the Committee on Commerce, Labor and Agriculture, to consider **Senate Bill No. 905**, which motion prevailed.

MOTION

Senator Ketron moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 1203**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 1203 -- Naming and Designating -- National Emergency Medical Services Week, May 16-22, 2004.

On motion of Senator Ketron, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 1203** was concurred in by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

NOTICES

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2557. The House refused to recede from its action in adopting House Amendment No. 1. The Speaker appointed a Conference Committee composed of Representatives Kernell, McMillan and Hargett to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on Senate Bill No. 2557.

BURNEY T. DURHAM,
Chief Clerk.

MR. SPEAKER WILDER RESUMES CHAIR

Mr. Speaker Wilder resumed the Chair.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to transmit House Bill No. 2636. The House adopted the Conference Committee Report and made it the action of the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2915. The House refused to recede from its action in adopting House Amendment No. 1. The Speaker appointed a Conference Committee composed of Representatives Kernell, Cooper and Wood to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on Senate Bill No. 2915.

BURNEY T. DURHAM,
Chief Clerk.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 2636/SENATE BILL NO. 2589**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 2636 (Senate Bill No. 2589) has met and recommends that the following amendments be deleted:

Senate Amendment No. 3

/s/ Senator Jeff Miller
/s/ Senator Joe Haynes
/s/ Senator Tommy Kilby

/s/ Representative Chris Newton
/s/ Representative Kent Coleman
Representative Rob Briley

Senator Miller moved that the Conference Committee Report on **House Bill No. 2636/Senate Bill No. 2589** be adopted and made the action of the Senate.

Senator Cohen moved that the Conference Committee Report on **House Bill No. 2636/Senate Bill No. 2589** be placed on the calendar for Monday, May 24, 2004, which motion prevailed by the following vote:

Ayes 15
Noes 13
Present, not voting . . . 1

Senators voting aye were: Burchett, Clabough, Cohen, Cooper, Crutchfield, Dixon, Graves, Haynes, Henry, Herron, Jackson, Kilby, Kurita, Kyle and Trail--15.

Senators voting no were: Atchley, Bryson, Burks, Crowe, Harper, Ketron, McNally, Miller, Norris, Person, Ramsey, Southerland and Williams--13.

Senator present and not voting was: McLeary--1.

NOTICES

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2553. The House refused to recede from its action in nonconcurring in Senate Amendments Nos. 3 and 4. The

Speaker appointed a Conference Committee composed of Representatives Armstrong, Tindell and Baird to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 2553.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3336. The House refused to recede from its action in nonconcurring in Senate Amendment No. 1. The Speaker appointed a Conference Committee composed of Representatives Maddox, Matheny and Buttry to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 3336.

BURNEY T. DURHAM,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2553 -- Taxes, Sales -- Provides for distribution to Campbell County of certain sales taxes collected in a portion of that county. Amends TCA Title 67, Chapter 6.

Senator Kilby moved that the Speaker appoint a Conference Committee to meet with a like committee from the House to resolve the differences between the two Bodies on **House Bill No. 2553**, which motion prevailed.

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
HOUSE BILL NO. 2553**

The Speaker announced the appointment of a Conference Committee composed of Senators Atchley, Chairperson; Burchett and Kilby to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 2553.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 3336 -- Pensions and Retirement Benefits -- Adds retired teacher to be appointed by governor to board of trustees of TCRS. Amends TCA Section 8-34-302.

Senator Herron moved that the Speaker appoint a Conference Committee to meet with a like committee from the House to resolve the differences between the two Bodies on **House Bill No. 3336**, which motion prevailed.

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
HOUSE BILL NO. 3336**

The Speaker announced the appointment of a Conference Committee composed of Senators McNally, Chairperson; Henry and Herron to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 3336.

NOTICE

MESSAGE FROM THE HOUSE
May 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2134. The House nonconcurred in Senate Amendments Nos. 1, 3, 4 and 5.

BURNEY T. DURHAM,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2134 -- Lottery -- Changes lottery scholarship eligibility requirements for graduates of home school programs and non-eligible high schools from composite ACT score of 23 to composite ACT score of 19. Amends TCA Title 49, Chapter 4, Part 9.

Senator Cohen moved that the Senate refuse to recede from its action in adopting Senate Amendments Nos. 1, 3, 4 and 5 to **House Bill No. 2134**, which motion prevailed.

NOTICES

MESSAGE FROM THE HOUSE
May 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 555. The House lifted the tabling motion; reconsidered its action; reconsidered and withdrew Amendment No. 4; adopted Amendment No. 5; and repassed Senate Bill No. 555, as amended.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE
May 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2156. The House reconsidered its action on Senate Amendment No. 2 and concurred in Senate Amendment No. 2; and nonconcurred in Senate Amendments Nos. 3, as amended, and 6.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2166. The House adopted the Conference Committee Report and made it the action of the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2722, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2976. The House lifted the tabling motion, reconsidered its action in concurring in Senate Amendment No. 1 and nonconcurring in Senate Amendment No. 1.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3057, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3454. The House lifted the tabling motion on Senate Bill No. 3454. The House reconsidered Amendment No. 5; withdrew Amendment No. 5; and repassed Senate Bill No. 3454, as amended.

BURNEY T. DURHAM,
Chief Clerk.

MOTION

Senator Cohen moved that **House Bill No. 2156** be considered next, out of order, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2156 -- Lottery, Corporation -- Removes requirements that retailer contracts be renewable annually. Amends TCA Title 4, Chapter 51.

Senator Cohen moved that the Senate refuse to recede from its action in adopting Senate Amendments Nos. 2, 3, 4 and 6 to **House Bill No. 2156**, which motion prevailed.

MOTION

Senator Cooper moved that **Senate Bill No. 3319** be recalled from the House, which motion prevailed.

MOTION

Senator Southerland moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 1208**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 1208 -- Memorials, Death -- Joseph Leslie "Joe" Bewley.

On motion of Senator Southerland, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 1208** was adopted by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 2166/SENATE BILL NO. 2382**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 2166 (Senate Bill No. 2382) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language following the enacting clause, and by substituting instead the following language:

SECTION 1. This act shall be known and may be cited as the "Neighborhood Preservation Act".

SECTION 2. As used in this act, unless the context otherwise requires:

(1) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one (1) person who maintains a household or by two (2) or more persons who maintain a common household;

(2) "Owner" means one (1) or more persons, jointly or severally, in whom is vested:

(A) All or part of the legal title to property; or

(B) All or part of the beneficial ownership and a right to the present use and enjoyment of the premises;

(3) "Residential property" means a dwelling unit which is owner-occupied and is the owner's principal place of residence; and

(4) "Residential rental property" means a building or structure consisting of one (1) or two (2) dwelling units.

SECTION 3. The owner of residential rental property or an unoccupied residence shall be required to maintain the exterior of such property and the lot on which the residential rental property or unoccupied residence is located at a level which is no less than the community standards of the residential property in the area.

It is prima facie evidence that the residential rental property or unoccupied residence is not maintained at the community standards of the residential property in the area if the owner of such residential rental property or unoccupied residence has been cited for three (3) or more separate violations of local building and construction codes or property standards governing residential property within a one-year period and the owner has not brought the property into compliance with such building and construction codes or property standards within such period.

SECTION 4. An owner of residential property affected by residential rental property or an unoccupied residence not maintained to community standards of residential property in the area may bring an action for damages against the owner of such residential rental property or unoccupied residence for failure to maintain the property in the manner required by Section 3 of this act, provided that a showing by the owner of the residential rental property or unoccupied residence that the failure to maintain the property is due to an act of nature, serious illness, or a legal barrier shall constitute a defense to any cause of action brought under this section.

The measure of damages shall be the difference between the value of the owner's residential property if the residential rental property or unoccupied residence were maintained at the community standards of the residential property in the area and the value of the owner's residential property because the residential rental property or unoccupied residence is not maintained at such community standards.

As proof of the value of the owner's residential property, the plaintiff shall submit to the court two independent appraisals.

SECTION 5. The provisions of this act shall only apply in any county having a metropolitan form of government which has a population in excess of five hundred thousand (500,000), or in any county having a population in excess of eight hundred thousand (800,000), according to the 2000 federal census or any subsequent federal census.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall take effect July 1, 2004, the public welfare requiring it.

/s/ Senator Joe Haynes
/s/ Senator Tommy Kilby
/s/ Senator Curtis Person

/s/ Representative Michael Turner
/s/ Representative W. C. Pleasant
/s/ Representative Beverly Marrero

Senator Haynes moved that the Conference Committee Report on **House Bill No. 2166/Senate Bill No. 2382** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

SPEAKER PRO TEMPORE GRAVES RELINQUISHES CHAIR

Speaker pro tempore Graves relinquished the Chair to Senator Person as Speaker pro tempore.

NOTICE

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3415, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3415 -- Appropriations -- Makes appropriations for fiscal years 2003-2004, 2004-2005.

HOUSE AMENDMENT NO. 1

AMEND by deleting each and every section of Senate Bill No. 3415 and by substituting instead new Sections 1 through 60, namely:

Sections 1 through 60 of Senate Bill No. 3415 as filed for introduction on February 5, 2004; printed and distributed as Senate Bill No. 3415; and considered to be part of this amendment.

Senator Kyle moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 3415**.

RECESS

Senator Crutchfield moved the Senate stand in recess until 12:15 p.m., which motion prevailed.

CALL TO ORDER

The Senate was called to order by Mr. Speaker Wilder.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

STANDING COMMITTEE REPORTS

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend that Senate Bill No. 905 with amendments be referred to Committee on Finance, Ways and Means.

COOPER, Chairperson
May 21, 2004

The Speaker announced that he had referred Senate Bill No. 905 with amendments to Committee on Finance, Ways and Means.

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 905.

HENRY, Chairperson
May 21, 2004

The Speaker announced that he had referred Senate Bill No. 905 to Committee on Calendar.

**SENATE
MESSAGE CALENDAR #2**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Friday, May 21, 2004: House Bill No. 2976; and Senate Bills Nos. 2722, 3415, 555, 3057 and 3454.

SENATE MESSAGE CALENDAR NO. 2

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2976 -- Education -- Requires Department of Education to create online assessment system for student use to measure and provide feedback concerning student knowledge and skills in TCAP and Gateway subject areas. Amends TCA Title 49.

Senator Dixon moved that the Senate refuse to recede from its action in adopting Senate Amendment No. 1 to **House Bill No. 2976**, which motion prevailed.

Mr. Speaker Wilder moved that **Senate Bill No. 2272** be placed at the heel of the Message Calendar for today, which motion prevailed.

FURTHER ACTION ON SENATE BILL NO. 3415

Senator Kyle moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 3415**, which motion prevailed by the following vote:

Ayes	24
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Fowler, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, Miller, Norris, Person, Ramsey, Southerland and Williams--24.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 10

AMEND by deleting the following language:

Item 8. To TennCare the sum of \$35,300,000 for the purpose of making essential access hospital provider payments. To the extent that federal matching funds are available for all of the funds appropriated by this item, the payments will be divided into the following funding pools: (a) essential service safety net hospitals \$50 million; (b) children's safety net hospitals \$5 million; (c) free standing psychiatric hospitals \$2 million; and (d) other essential acute care hospitals \$43 million. The Commissioner of Finance and Administration shall utilize a payment methodology that considers both TennCare utilization as a percent of total utilization as well as charity, medically indigent care, and bad debt expenses as a percent of total expenses. The formula that determines the distribution of funds within these pools will be similar to the formula utilized for the payments made in FY 2001. In order for a hospital to qualify for a payment in the essential service safety net pool, the children's safety net pool and the other essential acute care pool, the hospital must be a contracted provider with

FRIDAY, MAY 21, 2004 – 92ND LEGISLATIVE DAY

TennCare Select and, where available, at least one other Managed Care Organization in the TennCare program. In order for a free standing psychiatric hospital to qualify for a payment, the hospital must be a contracted provider with one of the Behavioral Health Organizations.

and by substituting instead the following language:

Item 8. To TennCare the sum of \$35,300,000 for the purpose of making essential access hospital provider payments. To the extent that federal matching funds are available for all of the funds appropriated by this item, the payments will be divided into the following funding pools: (a) essential service safety net hospitals \$50 million; (b) children's safety net hospitals \$5 million; (c) free standing psychiatric hospitals \$2 million; and (d) other essential acute care hospitals \$43 million. The Commissioner of Finance and Administration shall utilize a payment methodology that considers both TennCare utilization as a percent of total utilization as well as charity, medically indigent care, and bad debt expenses as a percent of total expenses. The formula that determines the distribution of funds within these pools will be similar to the formula utilized for the payments made in FY 2001. In order for a hospital to qualify for a payment in the essential service safety net pool, the children's safety net pool and the other essential acute care pool, the hospital must be a contracted provider with TennCare Select and, where available, at least one other Managed Care Organization in the TennCare program. In order for a free standing psychiatric hospital to qualify for a payment, the hospital must be a contracted provider with one of the Behavioral Health Organizations. Payments made to essential providers pursuant to this item shall be made quarterly.

AND FURTHER AMEND by deleting the following language:

Item 21. To the Board of Probation and Parole the sum of \$222,900 for replacement of personal computer equipment. This appropriation shall be non-recurring.

and by substituting instead the language:

Item 21. To the Board of Probation and Parole from revenues and fees available to such board the sum of \$222,900 for replacement of personal computer equipment. This appropriation shall be non-recurring.

AND FURTHER AMEND by deleting the following language:

Item 28. To the Department of Finance and Administration the sum of \$20,600,000 to fund higher education capital outlay projects with reduced matching requirements. The matching requirements shall be: a) thirty percent (30%) for projects at the University of Tennessee-Knoxville, University of Memphis and Middle Tennessee State University; b) twenty percent (20%) for projects at other universities and associated programs; c) ten percent (10%) for community college projects; and d) two and one-half percent (2.5%) for technology center projects.

and by substituting instead the following language:

Item 28. To the Department of Finance and Administration the sum of \$7,100,000 to fund a portion of higher education capital outlay projects.

AND FURTHER AMEND by adding the following language to Section 10 as new items:

Item ___. From the funds appropriated to the Department of Transportation, there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill No. 3400/ House Bill No. 3508, Senate Bill No. 3150/House Bill No. 3098, Senate Bill No. 2063/House Bill No. 2140, Senate Bill No. 2072/House Bill No. 2267, Senate Bill No. 3153/House Bill No. 3128, Senate Bill No. 2065/House Bill No. 2959, House Joint Resolution No. 978, House Joint Resolution No. 1078, House Joint Resolution No. 1012, House Joint Resolution No. 1013 and House Joint Resolution No. 1225, if such bills and resolutions become law.

Item ___. From the funds otherwise appropriated by the provisions of this act to the Department of Children's Services, there is hereby earmarked a sum sufficient not to exceed \$100,000 for the sole purpose of defraying extraordinary liability insurance expenses incurred by child care agencies and community mental health centers as defined in Title 33, Chapter 1, Part 1, providing services to children in state custody, to be determined and administered by the Department of Commerce and Insurance.

Item ___. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the Tennessee Wildlife Resources Agency for the sole purpose of implementing the provisions of Senate Bill No. 2167/House Bill No. 2672, relative to the Sundquist wildlife management area, if such bill becomes law.

Item ___. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the Health Services Development Agency for the sole purpose of implementing the provisions of Senate Bill No. 2423/House Bill No. 3030, relative to membership of such agency, if such bill becomes law.

Item ___. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the Department of Commerce and Insurance for the sole purpose of implementing the provisions of Senate Bill No. 2429/ House Bill No. 2519, relative to the Tennessee Commission on Firefighting, if such bill becomes law.

Item ___. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the Department of Commerce and Insurance for the sole purpose of implementing the provisions of Senate Bill No. 3202/ House Bill No. 2830, relative to state employed fire prevention and building officials, if such bill becomes law.

Item ___. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the Department of Safety for the sole purpose of implementing the provisions of Senate Bill No. 3430/House Bill No. 3486, relative to the issuance of driver licenses, if such bill becomes law.

Item ___. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the Comptroller of the Treasury for the sole purpose of implementing the provisions of Senate Bill No. 2351/House Bill No. 2352, relative to disabled veteran property tax relief, if such bill becomes law.

Item ___. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the Tennessee Board of Regents for the sole purpose of implementing the provisions of Senate Bill No. 3297/House Bill No. 3319, relative to higher education accountability, if such bill becomes law.

FRIDAY, MAY 21, 2004 – 92ND LEGISLATIVE DAY

AND FURTHER AMEND by deleting the following language:

Item 34. To the Department of Education, Improving School Programs the sum of \$2,463,200 for the Family Resource Centers program.

and by substituting instead the language:

Item 34. To the Department of Education, Improving School Programs the sum of \$2,263,200 for the Family Resource Centers program.

AND FURTHER AMEND by adding the following new items at the end of Section 10:

Item __. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the Department of Commerce and Insurance for the sole purpose of implementing the provisions of Senate Bill No. 3252/House Bill No. 3252, relative to reporting malpractice, if such bill becomes law.

Item __. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the Comptroller of the Treasury for the sole purpose of implementing the provisions of Senate Bill No. 2664/House Bill No. 3067, relative to a report concerning the use of alternative fuels, if such bill becomes law.

Item __. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the Comptroller of the Treasury for the sole purpose of implementing the provisions of House Joint Resolution 1047, relative to a special joint committee on local government modernization, if such bill becomes law.

Item __. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the Department of Health for the sole purpose of implementing the provisions of Senate Bill No. 2134/House Bill No. 2249, relative to licensure investigations, if such bill becomes law.

AND FURTHER AMEND by adding the following new items at the end of Section 10:

Item __. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the Department of Military, for the sole purpose of renaming the National Guard armory located in Ripley, Lauderdale County, Tennessee, as the "Phillip R. Miller/Major General Gus L. Hargett, Jr., National Guard Armory".

Item __. From the funds otherwise appropriated by the provisions of this act, there is earmarked a sum sufficient from the funds appropriated to the Department of Correction, for the sole purpose of formally naming the Middle Tennessee Correctional Complex (a reception, classification and diagnostic center located at 7177 Cockrill Bend Boulevard in Davidson County) as the "Charles B. Bass Correctional Complex".

Item __. From the funds otherwise appropriated by the provisions of this act to the Department of Transportation, there is earmarked the sum of \$100,000 for the sole purpose of funding the I-69 Highway Coalition.

AND FURTHER AMEND by adding the following language to Section 10 as new items:

FRIDAY, MAY 21, 2004 – 92ND LEGISLATIVE DAY

Item _____. The appropriation of \$500,000 made to the Department of Finance and Administration for purposes of funding performance budgeting is subject to submission and approval of a plan by the officers of the Senate and House Finance, Ways and Means Committees.

Item _____. The appropriation made to the administrative office of the courts by the provisions of this act is reduced \$450,000. Such funding reduction is for the purpose of eliminating certain funding for indigent defense counsel in recognition of Chapter 855 of the Public Acts of 2002.

Item _____. The appropriation made to the Department of Labor and Workforce Development in Section 1, Title III-31, Item 5, is reduced by the sum of \$260,000. Such funding reduction is for the purpose of eliminating state capital outlay funds for the career center.

Item _____. From the funds appropriated by the provisions of Section 1, Title III-21, Item 27, there is earmarked the sum of \$350,000 to be allocated to the General Assembly for legislative systems.

Item _____. There is hereby appropriated to the Department of Correction the sum of \$515,800 from the 1985 Sentencing Act to be allocated for the sole purpose of funding the Turney Center operational improvements. Any funds otherwise appropriated by this act for such improvements are reduced accordingly.

Item _____. It is the legislative intent that the appropriation of \$500,000 for Teach Tennessee be non-recurring.

AND FURTHER AMEND by adding the following new items to the end of Section 10:

Item _____. From the funds appropriated by the provisions of Section 1, Title III-21, Item 14, and other provisions of this act for state employee classification compensation, there is earmarked a sum sufficient to be allocated to the General Assembly for the sole purpose of compensation adjustments.

Item _____. Out of funds appropriated to the Tennessee Higher Education Commission for reimbursement of state employees tuition free course reimbursements, under Tennessee Code Annotated, Section 8-50-114, there is appropriated a proportionate amount to cover eligible expenses of the Tennessee Foreign Language Institute under the provisions of Senate Bill No. 3016/House Bill No. 2867.

Item _____. The appropriation made to the Tennessee Regulatory Authority by the provisions of this act is reduced by the sum of \$100,000. This sum is the proposed improvement to update the Do Not Call Registry.

Item 10. The incoming President of the University of Tennessee should review the existing revitalization plan for the University of Tennessee Space Institute, update the plan as appropriate, and submit the revised plan to the Chairs of the Senate and House Education Committees on or before December 31, 2004. The multi-year plan should include goals, benchmarks, and timelines developed in consultation with the institution's many stakeholders.

AND FURTHER AMEND by deleting the word "instructional" from Section 11, Item 4, subsection (b).

AND FURTHER AMEND by deleting Section 11, Item 4, subsection (c), and by substituting instead the following:

(c)(1) From the amounts herein appropriated to the Department of Education in Section 1, Title III-9, Item 2.1c, the Basic Education Program, the sum of \$18,300,000 is for the purpose of providing a one-time, non-recurring bonus for all instructional positions within each local education agency for the fiscal year 2004-2005.

(2) In addition to any other funds appropriated in this act, there is hereby appropriated the sum of \$18,300,000 for the purpose of funding an additional one-time, non-recurring bonus for all instructional positions within each local education agency for the fiscal year 2004-2005.

(3) It is the legislative intent that each person eligible for such bonus receive an equal share. The Commissioner of Education shall develop a plan for distribution of such amount to achieve this intent, with such plan subject to approval of the Commissioner of Finance and Administration. Further, it is the intent that such bonuses be distributed to eligible persons on or about October 1, 2004. Amounts paid under this provision shall be considered earnable compensation for retirement purposes.

AND FURTHER AMEND by adding the following language to Section 12 as new items:

Item __. In addition to any other funds appropriated by the provisions of this act, there is appropriated \$1,377,500 (recurring) and \$84,000 (non-recurring) to the district public defenders conference for the sole purpose of establishing 18 additional full-time assistant public defender positions and 6 additional full-time support staff positions if Senate Bill No. 1352/House Bill No. 131 becomes law. The additional positions shall be allocated among the several judicial districts based upon need and other relevant factors. Such allocation shall be made by the executive director of the district public defenders conference after consultation with the Comptroller of the Treasury and the administrative director of the courts. The executive director shall report the final allocation of such positions by judicial district to the Speakers of the Senate and the House of Representatives, the Chairs of the Senate and House Judiciary Committees and the Office of Legislative Budget Analysis on or before October 1, 2005.

Item __. In addition to any other funds appropriated by the provisions of this act, there is appropriated \$2,295,900 (recurring) and \$56,000 (non-recurring) to the district attorneys general conference for the sole purpose of establishing 30 additional full-time assistant district attorney positions and 10 additional full-time support staff positions if Senate Bill No. 2976/House Bill No. 3429 becomes law. It is the legislative intent that additional non-recurring costs in the amount of \$49,000 be funded from funds otherwise available to the district attorneys general conference. The additional positions shall be allocated among the several judicial districts based upon need and other relevant factors. Such allocation shall be made by the executive director of the district attorneys general conference after consultation with the Comptroller of the Treasury and the administrative director of the courts. The executive directors shall report the final allocation of such positions by judicial district to the Speakers of the Senate and the House of Representatives, the Chairs of the Senate and

House Judiciary Committees and the Office of Legislative Budget Analysis on or before October 1, 2005.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$95,000 (non-recurring) to the Department of Health for the sole purpose of contracting, on a one-for-one matching basis, for health education services or programs for males with a nonprofit organization whose mission is health awareness for males, provided, however, that such a nonprofit organization has been established in Tennessee prior to January 1, 2004, and has received funding through the vitamin supplement settlement of June 2003 administered by the Tennessee Attorney General's office. The organization must have experience with general health outreach and education activities for males in Tennessee, including activities for the general population and the underserved living in Tennessee.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient not to exceed \$655,000 to the Davidson County Drug Court for the sole purpose of continuing operations and services. This appropriation shall be non-recurring and is subject to the availability of funds in the fiscal year ending June 30, 2004. This item shall be funded from excess funds available in the fiscal year ending June 30, 2004. Such appropriation shall be further contingent on full funding of all other contingent appropriations made by the provisions of this act from excess funds available in fiscal year ending June 30, 2004.

AND FURTHER AMEND by deleting the language:

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is hereby appropriated to the Department of Finance and Administration for distribution to the appropriate entities a sum sufficient to fund any bill on which the final fiscal note indicates that: (a) state revenues would be increased in an amount equal to or greater than state expenditures as a result of the enactment of such bill; or (b) the cost of implementation of the bill is minimal or not significant. It is the legislative intent that if funding is earmarked for implementation in such bills that the funds appropriated in this item be reduced accordingly. It is the legislative intent to recognize a revenue loss from bills that result in no expenditure increase but forego revenue which has not been collected previously.

and by substituting instead the following language:

AND FURTHER AMEND by adding the following new items at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to the Department of Finance and Administration for distribution to the appropriate entities for the sole purpose of implementing Senate Bill No. 374/House Bill No. 1474, Senate Bill No. 3193/House Bill No. 3389, Senate Bill No. 1686/House Bill No. 1065, Senate Bill No. 51/House Bill No. 1364, Senate Bill No. 555/House Bill No. 1387, Senate Bill No. 3057/House Bill No. 2543, Senate Bill No. 3019/House Bill No. 3453, Senate Bill No. 2689/House Bill No. 2859, Senate Bill No. 3209/House Bill No. 3458, Senate Bill No. 3189/House Bill No. 3301, Senate Bill No. 3438/House Bill No. 3471, Senate Bill No. 1907/House Bill

No. 1972, Senate Bill No. 2810/House Bill No. 2652, Senate Bill No. 2419/House Bill No. 2796, Senate Bill No. 3428/House Bill No. 3483, Senate Bill No. 3326/House Bill No. 3400, Senate Bill No. 2861/House Bill No. 3336, Senate Bill No. 214/House Bill No. 779, Senate Bill No. 1199/House Bill No. 1049, Senate Bill No. 2328/House Bill No. 3169, Senate Bill No. 3364/House Bill No. 3403, Senate Bill No. 3358/House Bill No. 3377, Senate Bill No. 2383/House Bill No. 2269, Senate Bill No. 2842/House Bill No. 3449, Senate Bill No. 2458/House Bill No. 3450, Senate Bill No. 784/House Bill No. 1275, Senate Bill No. 2916/House Bill No. 2757, Senate Bill No. 1368/House Bill No. 1302, Senate Bill No. 3148/House Bill No. 3291, Senate Bill No. 3078/House Bill No. 3390, Senate Bill No. 3094/House Bill No. 3017, Senate Bill No. 532/House Bill No. 1090, Senate Bill No. 3277/House Bill No. 3189, Senate Bill No. 2885/House Bill No. 2883, Senate Bill No. 827/House Bill No. 1202, Senate Bill No. 3342/House Bill No. 2931, Senate Bill No. 1333/House Bill No. 953, Senate Bill No. 3137/House Bill No. 3079, Senate Bill No. 2134/House Bill No. 2249, Senate Bill No. 2505/House Bill No. 3005, Senate Bill No. 3093/House Bill No. 2831, House Joint Resolution No. 773, House Joint Resolution No. 792, House Joint Resolution No. 740, House Joint Resolution No. 990, House Joint Resolution No. 1009, House Joint Resolution No. 953, House Resolution No. 442, Senate Joint Resolution No. 800 and Senate Joint Resolution No. 71, if such bills and resolutions become law. It is the legislative intent that if funding is earmarked for such implementation in such bills that the funds appropriated in this item be reduced accordingly.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is hereby appropriated to the Department of Finance and Administration for distribution to the appropriate entities a sum sufficient to fund any bill on which the fiscal note indicates that the cost of implementation of the bill is minimal or not significant. It is the legislative intent that if funding is earmarked for implementation in such bills that the funds appropriated in this item be reduced accordingly. It is the legislative intent to recognize a revenue loss from bills that result in no expenditure increase but forego revenue which has not been collected previously.

Item _____. In addition to any other funds appropriated by the provisions of this act, if the fiscal note on any bill states that state revenues would be increased in an amount equal to or greater than state expenditures as a result of the enactment of such bill, then there is appropriated a sum sufficient from such increased revenue to the appropriate entity, as determined by the Commissioner of Finance and Administration, to implement such bill.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated to the Department of Finance and Administration for distribution to the appropriate entities a sum sufficient to fund any bill or resolution in which the Commissioner of Finance and Administration provided a letter to the General Assembly stating that the provisions of such bill or resolution would be funded in this act if such bills or resolutions become law. Such bills are Senate Bill No. 3294/House Bill No. 3415, Senate Bill No. 3393/House Bill No. 3503, Senate Bill No. 3455/House Bill No. 3539, and Senate Bill No. 3461/House Bill No. 3532.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. To the extent that Senate Bill No. 962/House Bill No. 235 relative to the sales and use taxation of automobile lease salvage transactions results in a revenue loss

FRIDAY, MAY 21, 2004 – 92ND LEGISLATIVE DAY

exceeding \$100,000, there is hereby appropriated a sum sufficient for its implementation, if such bill becomes a law.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item ___. There is hereby appropriated to the State Funding Board a sum sufficient to pay debt service on bonds authorized by Senate Bill No. 429/House Bill No. 1310, if such bill becomes law.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item ___. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$9,200,000 for the sole purpose of restoring the reductions made to higher education institutions. It is the intent of the General Assembly that \$2,800,000 be recurring and \$6,400,000 be non-recurring. It is the intent of the General Assembly that the restoration be made in a manner that offsets the reductions made to each individual institution. This appropriation shall take effect July 1, 2004, the public welfare requiring it.

AND FURTHER AMEND by deleting Section 23, Item 2.

AND FURTHER AMEND by adding the following sentence to the end of Section 41, Item 34, subsection (b):

The commissioner shall file any such reallocations or adjustments with the Fiscal Review Committee and the Office of Legislative Budget Analysis.

AND FURTHER AMEND by deleting the following language:

AND FURTHER AMEND by deleting in its entirety Section 41, Item 35, of the printed bill and substituting a new item to read:

Item 35. From the appropriations in Public Acts of 2003, Chapter 356, and in Sections 1 and 4 of this act, sums sufficient are appropriated for state agencies to pay the professional privilege tax levied in Tennessee Code Annotated, Title 67, Chapter 4, Part 17, on behalf of full-time state employees who are subject to the tax; and who use the certification in their job duties. The payment is subject to approval by the department or agency head. This item is subject to authorization of such payments in Tennessee Code Annotated, Title 67, Chapter 4, Part 17, as amended by Senate Bill No. 3418/House Bill No. 3480, if such bill becomes law.

and by substituting instead the language:

AND FURTHER AMEND by deleting Section 41, Item 35, and by substituting instead the following language:

Item 35. From the appropriations in Public Acts of 2003, Chapter 356, and in Sections 1 and 4 of this act, sums sufficient are appropriated for state agencies to pay the professional privilege tax levied in Tennessee Code Annotated, Title 67, Chapter 4, Part 17, on behalf of full-time state employees who are subject to the tax; and who use the certification in their job duties. The payment is subject to approval by

the department or agency head in accordance with the provisions of Tennessee Code

FRIDAY, MAY 21, 2004 – 92ND LEGISLATIVE DAY

Annotated, Title 67, Chapter 4, Part 17, and any amendments to such part made by Senate Bill No. 3418/House Bill No. 3480, if such bill becomes law.

AND FURTHER AMEND by deleting Section 43, Item 11, and by substituting instead the following:

Item 11. From the appropriation made in Section 1, Title III-25, TennCare Program, the sum of \$1,000,000 is intended to provide funding for fraud and abuse investigations in the TennCare program, prosecutions resulting therefrom and to fund assistance in this effort from the district attorney general's conference and the district public defenders conference. The Commissioner of Finance and Administration is authorized to make appropriation transfers, establish positions and adjust departmental revenue estimates to implement the activity. Prior to any adjustments in accordance with this item, the Commissioner of Finance and Administration shall report to the Chairs of the Senate and House Finance, Ways and Means Committees and to the Office of Legislative Budget Analysis the amount of any appropriation transfer, departmental revenue adjustments and positions to be established by judicial district.

AND FURTHER AMEND by deleting the language "and as well as other applicable provisions of this act" from Section 49, Item 1.

AND FURTHER AMEND by deleting Section 49, Items 3 and 4, and by substituting instead the following language:

Item 3. (a) It is the legislative intent that the survey portion of the commissioned officer pay plan in the Department of Safety as referenced in Tennessee Code Annotated, Section 4-7-205, shall be implemented at 100% of the value of the current survey effective July 1, 2004.

(b) It is the legislative intent that the survey portion of the Tennessee Wildlife Resources Agency pay plan shall be implemented at 100% of the value of the current survey effective July 1, 2004.

(c) In addition to any other funds appropriated in this act, there is appropriated the sum of \$1,400,000 for the purpose of fully funding the provisions of this item.

AND FURTHER AMEND by deleting Section 49, Item 6, and by substituting instead the following language:

Item 6. (a) The appropriation of \$24,400,000 made in Section 1, Title III-21, for Salary Bonus, is made for the purpose of funding a one-time salary bonus to state employees and employees of higher education institutions.

(b) In addition to any other funds appropriated in this act, there is hereby appropriated the sum of \$24,400,000 for the purpose of funding an additional one-time salary bonus to state employees and employees of higher education institutions.

(c) It is the legislative intent that such bonus funds shall be paid to state employees on or about October 1, 2004, and shall be based upon, insofar as possible, an amount equal to \$70.00 per year of service; provided no total bonus shall be less than \$210 or more than \$1,750. It is further the legislative intent that

FRIDAY, MAY 21, 2004 – 92ND LEGISLATIVE DAY

employee bonuses for employees of higher education be distributed in a similar manner. Amounts paid under this item shall be included as earnable compensation for retirement purposes.

AND FURTHER AMEND by inserting at the end of Section 49, Item 7, the following language:

It is the legislative intent that salary increases pursuant to this item shall be across-the-board to all higher education employees in an equal amount or percentage increase. Prior to the distribution of these funds the Executive Director of the Tennessee Higher Education Commission, the President of the University of Tennessee system and the Chancellor of the Board of Regents shall submit to the Speaker of the Senate, the Speaker of the House of Representatives, the Chairs of Finance, Ways and Means Committees of the Senate and House of Representatives and the Office of Legislative Budget Analysis a plan for eligibility and distribution of these funds.

AND FURTHER AMEND by adding the following language as a new item to Section 49:

Item ____ In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$24,400,000 to provide an additional one percent (1%) across-the-board salary increase effective July 1, 2004, for each state employee and employees of higher education institutions and to adjust the appropriate salary ranges in a like manner. The salary increase is not applicable to employees in positions which come under the provisions of a statutorily mandated pay plan; provided, however, employees who come under the provision of a statutorily mandated pay plan shall be paid in accordance with the provision of such statutory plan.

AND FURTHER AMEND by deleting the language:

AND FURTHER AMEND by deleting in its entirety Section 55 of the printed bill and substituting in lieu thereof the following:

SECTION 55. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. From the lottery for education account, the after-school programs special account, and other accounts and sub-accounts established pursuant to the Tennessee Education Lottery Implementation Law, Public Acts of 2003, Chapter 297, sums sufficient hereby are appropriated for the higher education scholarship programs and other education programs authorized by that law; by Public Acts of 2003, Chapter 298, the lottery-funded education programs law; and by Senate Bill No. 3158/House Bill No. 3210, relative to lottery-funded after-school educational programs, if that bill becomes a law. The appropriations from these sources for pre-kindergarten and early childhood education programs shall not exceed eight million (\$8,000,000) and for after-school programs shall not exceed two million dollars (\$2,000,000); provided that in both cases the appropriation is contingent upon the availability of funds in the proper account and upon the availability of excess funds from net lottery proceeds, after the funding of higher education scholarships.

and by substituting instead the language:

AND FURTHER AMEND by deleting Section 55 and by substituting instead the following:

SECTION 55. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. From the lottery for education account, the after-school programs special account, and other accounts and sub-accounts established pursuant to the Tennessee Education Lottery Implementation Law, Public Acts of 2003, Chapter 297, sums sufficient hereby are appropriated for the higher education scholarship programs and other education programs authorized by that law; by Public Acts of 2003, Chapter 298, the lottery-funded education programs law; and by Senate Bill No. 2616/House Bill No. 2687, Senate Bill No. 2449/House Bill No. 2861 and Senate Bill No. 2114/House Bill No. 2134, relative to lottery scholarships, if such bills become law; and by Senate Bill No. 3158/House Bill No. 3210, relative to lottery-funded after-school educational programs, if that bill becomes a law. The appropriations from these sources for pre-kindergarten and early childhood education programs shall not exceed eight million dollars (\$8,000,000) and for after-school programs shall not exceed two million dollars (\$2,000,000); provided that in both cases the appropriation is contingent upon the availability of funds in the proper account and upon the availability of excess funds from net lottery proceeds, after the funding of higher education scholarships. The availability of excess funds shall be determined by the Commissioner of Finance and Administration prior to the distribution of any excess funds. A copy of such determination shall be filed with the Chairs of the select committee on the Tennessee Education Lottery Corporation and the Office of Legislative Budget Analysis.

AND FURTHER AMEND by adding a new section to be appropriately numbered as follows:

Item _____. The Commissioner of the Department of Correction and the Chair of the Board of Probation and Parole in conjunction with the Comptroller of the Treasury and the Office of Legislative Budget Analysis are requested to examine release eligibility dates associated with state prisoners housed in local jails and the fiscal impact thereof on state government spending. The results of such examinations, and suggested recommendations, shall be reported to the Chair of the Corrections Oversight Committee and the Chairs of the Senate and House Finance, Ways and Means Committees by January 15, 2005.

AND FURTHER AMEND by deleting the following language:

Item 9. To the Department of Military, Disaster Relief Grants the sum of \$1,800,000. There is further appropriated the sum of \$5,000,000 for the program in the fiscal year beginning July 1, 2004.

and by substituting instead the following language:

Item 9. (a) To the Department of Military, Disaster Relief Grants the sum of \$1,800,000.

(b) There is further appropriated a sum not to exceed \$5,000,000 for the program in the fiscal year beginning July 1, 2004. This appropriation shall be non-recurring and is subject to the availability of funds in the fiscal year ending June 30, 2004, it being the legislative intent to fund this item from excess funds available in the fiscal year ending June 30, 2004.

AND FURTHER AMEND by deleting the following language:

FRIDAY, MAY 21, 2004 – 92ND LEGISLATIVE DAY

Item 29. To Miscellaneous Appropriations the sum of \$11,700,000 to fund information system development projects. This appropriation shall be non-recurring.

and by substituting instead the following language:

Item 29. To Miscellaneous Appropriations a sum not to exceed \$11,700,000 to fund information system development projects. This appropriation shall be non-recurring and is subject to the availability of funds in the fiscal year ending June 30, 2004, it being the legislative intent to fund this item from excess funds available in the fiscal year ending June 30, 2004. The appropriation made in this item shall take effect upon becoming a law, the public welfare requiring it.

AND FURTHER AMEND by designating the existing language of Section 43, Item 2, as sub-item (a) and by adding the following language to such item as a new sub-item (b):

(b) In addition to the authority granted in sub-item (a), the commissioner is directed to reserve or designate the sum of \$44,284,500 from general fund balances at June 30, 2004, and carry forward such amount into FY 2004-05 for purposes of funding additional non-recurring appropriations.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item ____ The Tennessee Higher Education Commission is directed to review and report to the Governor, Speaker of the Senate and Speaker of the House of Representatives on private fundraising capabilities, potential and effort of Tennessee's institutions of public higher education. Such review shall include matters deemed relevant including, but not limited to, comparisons of the results of such activities between Tennessee public institutions and comparisons of Tennessee institutions to peer institutions in other states. The review shall specifically examine how private fundraising could be used to support both capital and program improvements, with a focus on improving those academic programs that define the unique qualities of each institution. The review shall include a systematic effort to assess both individual and business needs in their communities for which there might be support beyond that for scholarships. The review shall prepare examples of fundraising plans for each type of institution of higher education. All agencies of state government and higher education shall provide assistance in performance of such review. It is the legislative intent that the report required by this item shall be filed no later than December 15, 2004.

AND FURTHER AMEND by adding the following language at the end of Section 47, Item 1:

Provided, it is the legislative intent that the revenue fluctuation reserve be set at a level of not less than \$217,000,000 on June 30, 2004.

AND FURTHER AMEND by adding the following new section before the effective date section, to be appropriately designated:

SECTION ____ It is hereby declared to be the legislative intent that the budget proposed by the Governor for fiscal year 2005 – 2006 include sufficient funds to restore to local governments, on a recurring basis, at least one-half of the state shared revenues redirected to the state general fund by the provisions of Chapter 355, Public Acts of the 103rd General Assembly. It is further declared to be the legislative intent that all of such

redirected state shared revenues be fully restored to local governments on a recurring basis for fiscal year 2006 -- 2007.

Senator Kyle moved that the Senate concur in House Amendment No. 10 to **Senate Bill No. 3415**, which motion prevailed by the following vote:

Ayes 25
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Clabough, Crowe, Crutchfield, Dixon, Fowler, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--25.

A motion to reconsider was tabled.

Mr. Speaker Wilder moved that **Senate Bill No. 3415** be placed at the heel of Message Calendar No. 2 for today, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 555 -- Hospitals and Health Care Facilities -- Changes sunset date of health services and development agency to June 30, 2005; increases from \$1.5 million to \$2 million of major medical equipment before CON is required; requires public hearings by board for licensing health care facilities on proposed rules by board. Amends TCA Title 4 and Title 68, Chapter 11.

HOUSE AMENDMENT NO. 5

AMEND by inserting the following as new, appropriately designated sections of the bill as amended to precede the final two sections of the bill as amended, and by renumbering the subsequent sections of the bill as appropriate:

SECTION __. Tennessee Code Annotated, Section 68-11-1604(b)(1), is amended in subdivision (1) by deleting the language "nine (9)" and substituting instead the language "ten (10)".

SECTION __. Tennessee Code Annotated, Section 68-11-1604(b)(1), is amended by deleting item (F) in its entirety and by substituting instead the following:

(F) Five (5) members appointed by the governor who include:

(i) One (1) person who has recent experience as an executive officer of a hospital or hospital system from a list of three (3) nominees submitted by the Tennessee Hospital Association;

(ii) One (1) representative of the nursing home industry from a list of three (3) nominees submitted by the Tennessee Health Care Association;

(iii) One (1) duly licensed physician from a list of three (3) nominees submitted by the Tennessee Medical Association;

(iv) One (1) representative of the home care industry from a list of three (3) nominees submitted by the Tennessee Association for Home Care. The initial term for the home care industry representative shall be two (2) years. Upon the expiration of that term, the home care industry representative shall be appointed for a three-year term pursuant to subsection (c); and

(v) One (1) consumer member.

SECTION ___. Tennessee Code Annotated, Section 68-11-1604(c), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) Except for the Comptroller of the Treasury, the Commissioner of Commerce and Insurance, and the Director of TennCare, or their respective designees, agency members shall be appointed for three-year terms and no member shall serve more than two (2) consecutive three-year terms. The terms of the members are staggered on the following schedule: The terms of the nursing home representative, hospital representative, and the consumer member appointment by the Speaker of the House of Representatives are due to expire in calendar year 2004 and those appointments shall be made in that year and each third year thereafter; the terms of the physician member and the consumer member appointed by the governor are due to expire in calendar year 2005 and those appointments shall be made in that year and each third year thereafter; and the terms of the home care industry representative and the consumer member appointed by the Speaker of the Senate are due to expire in calendar year 2006 and those appointments shall be made in that year and each third year thereafter.

SECTION ___. Tennessee Code Annotated, Section 68-11-1604(e)(1), is amended by deleting the following language:

No member shall serve consecutive terms as chair.

Senator Clabough moved that the Senate concur in House Amendment No. 5 to **Senate Bill No. 555**, which motion prevailed by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

Senator Jackson moved that **Senate Bill No. 3057** be placed at the heel of Message Calendar No. 2, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3454 -- Revenue, Dept. of -- Authorizes commissioner to accept credit and debit cards for payment of taxes under certain circumstances.

HOUSE AMENDMENT NO. 6

AMEND by deleting Section 68, as amended, and by substituting instead the following language:

SECTION 68. Section 82 of Chapter 357 of the Public Acts of 2003, as codified in Tennessee Code Annotated, is amended by deleting the words, numbers, and punctuation "then on the first day of the second quarter following the effective date of the Streamlined Sales Tax Agreement, the public welfare requiring it; provided, that in no event shall any provision of this act take effect prior to July 1, 2004" and substituting instead "at 12:01 a.m. on July 1, 2005".

AND FURTHER AMEND by deleting Section 70, as amended, and by substituting instead the following language:

SECTION 70. Sections 58 and 68 of this act shall take effect upon becoming a law, the public welfare requiring it. All other sections of this act shall take effect at 12:02 a.m. on July 1, 2005, the public welfare requiring it.

Senator Clabough moved that the Senate concur in House Amendment No. 6 to **Senate Bill No. 3454**, which motion prevailed by the following vote:

Ayes	27
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Dixon, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

NOTICE

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2134. The House refused to recede from its action in nonconcurring in Senate Amendments Nos. 3, 4 and 5. The Speaker appointed a Conference Committee composed of Representatives Newton, McMillan, Larry Turner, Brown and Hagood to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 2134.

BURNEY T. DURHAM,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2134 -- Lottery -- Changes lottery scholarship eligibility requirements for graduates of home school programs and non-eligible high schools from composite ACT score of 23 to composite ACT score of 19. Amends TCA Title 49, Chapter 4, Part 9.

Senator Cohen moved that the Speaker appoint a Conference Committee to meet with a like committee from the House to resolve the differences between the two Bodies on **House Bill No. 2134**, which motion prevailed.

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
HOUSE BILL NO. 2134**

The Speaker announced the appointment of a Conference Committee composed of Senators Cohen, Chairperson; Bryson, Cooper, Graves and McNally to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 2134.

NOTICE

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2156. The House refused to recede from its action in nonconcurring in Senate Amendments Nos. 3, as amended, and 6. The Speaker appointed a Conference Committee composed of Representatives Newton, McMillan, Larry Turner, Brown and Hagood to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 2156.

BURNEY T. DURHAM,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2156 -- Lottery, Corporation -- Removes requirements that retailer contracts be renewable annually. Amends TCA Title 4, Chapter 51.

Senator Cohen moved that the Speaker appoint a Conference Committee to meet with a like committee from the House to resolve the differences between the two Bodies on **House Bill No. 2156**, which motion prevailed.

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
HOUSE BILL NO. 2156**

The Speaker announced the appointment of a Conference Committee composed of Senators Cohen, Chairperson; Bryson, Cooper, Graves and McNally to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 2156.

SENATE MESSAGE CALENDAR NO. 2

FURTHER ACTION ON SENATE BILL NO. 3415

Senator Kyle moved that the Senate reconsider its action in adopting Amendment No. 10 to **Senate Bill No. 3415**, which motion prevailed.

Senator Kyle moved that Amendment No. 10 be placed behind Amendment No. 2, which motion prevailed.

HOUSE AMENDMENT NO. 2

AMEND by inserting a new Section after Section 55 of the printed bill to read:

SECTION _____. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. In addition to the appropriations made in Chapter 356, Public Acts of 2003 and in this act, the following items are appropriated in the fiscal year ending June 30, 2004:

Item 1. To the Department of Education the sum of \$2,631,100 to fund the BEP formula. There is further appropriated the sum of \$5,000,000 for the BEP in the fiscal year beginning July 1, 2004.

Item 2. To the Department of Education the sum of \$6,334,000 to fund the BEP two percent (2%) enrollment growth factor.

Item 3. To the Department of Human Services the sum of \$15,000,000 for TANF caseload increases and related programs.

Item 4. To the Department of Children's Services the sum of \$13,200,000.

Item 5. To the Department of Finance and Administration – Mental Retardation the sum of \$9,000,000.

Item 6. To the Department of Correction, State Prosecutions the sum of \$6,600,000.

Item 7. To the Department of Environment and Conservation, Groundwater Protection the sum of \$1,400,000.

Item 8. To the Department of Labor and Workforce Development the sum of \$3,200,000 for the Second Injury Fund program. There is further appropriated the sum of \$1,200,000 for the program in the fiscal year beginning July 1, 2004.

Item 9. To the Department of Military, Disaster Relief Grants the sum of \$1,800,000. There is further appropriated the sum of \$5,000,000 for the program in the fiscal year beginning July 1, 2004.

Item 10. To the TennCare program the sum of \$627,500 to improve the percentage of children receiving EPSDT services. There is further appropriated the sum of \$2,510,200 for the program in the fiscal year beginning July 1, 2004. The Commissioner of Finance and Administration is authorized to adjust departmental revenue estimates in TennCare and the Department of Health and to establish 44 full-time positions in the Department of Health.

Item 11. To Miscellaneous Appropriations the sum of \$200,900 to provide for the mileage rate increase effective May 1, 2004, under the provisions of the state's

comprehensive travel regulations. There is further appropriated the sum of \$1,103,600 for the rate increase in the fiscal year beginning July 1, 2004.

Item 12. To the Judicial branch the sum of \$470,000 for the Guardian Ad Litem program. There is further appropriated the sum of \$470,000 for the program in the fiscal year beginning July 1, 2004.

Item 13. To the Judicial branch the sum of \$1,000,000 for Indigent Defendants' Counsel. There is further appropriated the sum of \$550,000 for the program in the fiscal year beginning July 1, 2004.

AND FURTHER AMEND by inserting a new section after Section 55 of the printed bill to read:

SECTION _____. In addition to the appropriations made in Section 1 of this act, the following appropriations are made in the fiscal year beginning July 1, 2004:

Item 1. To Miscellaneous Appropriations the sum of \$4,100,000 to fund a methamphetamine program. This appropriation is subject to Senate Bill No. 2143/ House Bill No. 2209 becoming law.

Item 2. To the Department of Human Services and TennCare the sum of \$4,520,900 to establish a call center. The Commissioner of Finance and Administration is authorized to allocate this appropriation between Human Services and TennCare, to adjust departmental revenues and to establish additional authorized positions.

Item 3. To TennCare the sum of \$496,600 to fund the TennCare appeals unit in the Department of Human Services. The Commissioner of Finance and Administration is authorized to adjust departmental revenues accordingly, to transfer positions from TennCare to Human Services and to establish 62 full-time positions in Human Services.

Item 4. To TennCare the sum of \$50,000 to fund the cost of meetings of the TennCare Foundation and the TennCare Advisory Commission. This appropriation is subject to Senate Bill No. 3392/House Bill No. 3513 becoming law.

Item 5. To TennCare the sum of \$38,300. This appropriation is subject to Senate Bill No. 3394/House Bill No. 3512 becoming law.

Item 6. To TennCare the sum of \$581,000. This appropriation is subject to Senate Bill No. 2520/House Bill No. 2350 becoming law.

Item 7. To TennCare the sum of \$319,700. This appropriation is subject to Senate Bill No. 2457/House Bill No. 2392 becoming law.

Item 8. To TennCare the sum of \$35,300,000 for the purpose of making essential access hospital provider payments. To the extent that federal matching funds are available for all of the funds appropriated by this item, the payments will be divided into the following funding pools: (a) essential service safety net hospitals \$50 million; (b) children's safety net hospitals \$5 million; (c) free standing psychiatric hospitals \$2 million; and (d) other essential acute care hospitals \$43 million. The

Commissioner of Finance and Administration shall utilize a payment methodology that considers both TennCare utilization as a percent of total utilization as well as charity, medically indigent care, and bad debt expenses as a percent of total expenses. The formula that determines the distribution of funds within these pools will be similar to the formula utilized for the payments made in FY 2001. In order for a hospital to qualify for a payment in the essential service safety net pool, the children's safety net pool and the other essential acute care pool, the hospital must be a contracted provider with TennCare Select and, where available, at least one other Managed Care Organization in the TennCare program. In order for a free standing psychiatric hospital to qualify for a payment, the hospital must be a contracted provider with one of the Behavioral Health Organizations.

Item 9. To Labor and Workforce Development, Workers' Compensation, and the Department of Commerce and Insurance the sum of \$1,874,700 (recurring) and \$295,000 (non-recurring) to fund a mandatory review conference program and to establish thirty-seven additional positions. There is further appropriated a sum not to exceed \$250,000 to fund the purchase or development of a medical fee schedule. The Commissioner of Finance and Administration is authorized to allocate the appropriation and positions to the appropriate programs and to adjust departmental revenue accordingly. These appropriations are subject to Senate Bill No. 3424/House Bill No. 3531 becoming law.

Item 10. To the Department of Environment and Conservation, State Parks Maintenance the sum of \$900,000.

Item 11. To the Department of Mental Health and Developmental Disabilities the sum of \$310,600 for administrative support services. Nine additional positions are authorized.

Item 12. The Commissioner of Finance and Administration is authorized to abolish nine positions in the Department of Finance and Administration - Mental Retardation, to adjust departmental revenues and federal funds accordingly and to transfer state appropriation in the amount of \$82,700 from TennCare to the Department of Mental Health and Developmental Disabilities.

Item 13. To Miscellaneous Appropriations the sum of \$3,500,000 for State Employee Classification Compensation. This appropriation is in addition to the appropriation made in Section 1, Title III-21, Item 14 of this act.

Item 14. To the Department of Correction the sum of \$5,000 for the 1985 Sentencing Act program. This appropriation is subject to Senate Bill No. 30/House Bill No. 64 becoming law.

Item 15. To the District Attorneys General the sums of \$475,000 (recurring) and \$250,000 (non-recurring) to fund computer wide-area network connections and three computer support positions previously funded from federal grants and to fund the replacement and upgrade of personal computers, servers and software. Provided that the District Attorneys General shall replace the computer equipment and software through the OIR computer replacement fund and shall submit to OIR an information systems plan in 2004 and succeeding years under guidelines issued by OIR.

Item 16. To the State Board of Education the sum of \$72,800 to fund one professional position.

Item 17. To the Department of Education the sums of a) \$34,100 for the Science Alliance Museums grants and b) \$6,000 for the Touching the Lives of Children pre-school grants.

Item 18. To Miscellaneous Appropriations the sum of \$10,000 to fund the provisions of Senate Bill No. 3417/House Bill No. 3527, if such bill becomes law. The bill authorizes payment to persons owing money to the state if it is determined that refusing to do so would interrupt essential services.

Item 19. To the Department of Human Services the sum of \$810,000 for the sole purpose of allocating such sum in equal grants to each of the nine (9) human resource agencies. This appropriation shall be non-recurring.

Item 20. To the State Museum the sum of \$350,000 for the purpose of acquiring cultural artifacts. This appropriation shall be non-recurring.

Item 21. To the Board of Probation and Parole the sum of \$222,900 for replacement of personal computer equipment. This appropriation shall be non-recurring.

Item 22. To Miscellaneous Appropriations the sum of \$71,500 to fund the state agency payments to the Underground Storage Tanks program. This appropriation shall be non-recurring and it is subject to Senate Bill No. 3413/House Bill No. 3496 becoming law.

Item 23. To the Department of Commerce and Insurance, Regulatory Boards, the sum of \$551,200 from dedicated revenues and reserves for replacement of the regulatory boards computer system.

Item 24. To the McWherter Scholars program the sum of \$150,000 to fund scholarships for fifty (50) freshmen.

Item 25. To the Department of Finance and Administration the sum of \$4,000,000 to fund a capital outlay project for a morgue at East Tennessee State University.

Item 26. To the Department of Environment and Conservation the sum of \$3,000,000 to fund the Bedsole Tract acquisition. This appropriation shall be non-recurring.

Item 27. In addition to the funds appropriated in Section 1 of this act, there is appropriated from the real estate transfer tax the sum of \$6,000,000 to be allocated as a recurring appropriation to the following programs, as authorized by Tennessee Code Annotated, Section 67-4-409:

Wetlands Acquisition Fund	\$2,437,500
Local Parks Acquisition Fund	\$1,312,500
State Lands Acquisition Fund	\$1,125,000
Agricultural Resources Conservation Fund	\$1,125,000

Item 28. To the Department of Finance and Administration the sum of \$20,600,000 to fund higher education capital outlay projects with reduced matching requirements. The matching requirements shall be: a) thirty percent (30%) for projects at the University of Tennessee-Knoxville, University of Memphis and Middle Tennessee State University; b) twenty percent (20%) for projects at other universities and associated programs; c) ten percent (10%) for community college projects; and d) two and one-half percent (2.5%) for technology center projects.

Item 29. To Miscellaneous Appropriations the sum of \$11,700,000 to fund information system development projects. This appropriation shall be non-recurring.

Item 30. To the District Attorneys General the sum of \$491,800 to fund an increase in the statutory pay plan effective July 1, 2004. This appropriation is subject to Senate Bill No. 2975/House Bill No. 3468 becoming law.

Item 31. To the District Public Defenders the sum of \$138,200 to fund an increase in the statutory pay plan effective July 1, 2004. This appropriation is subject to Senate Bill No. 525/House Bill No. 76 becoming law.

Item 32. To the Department of Correction, 1985 Sentencing Act the sum of \$332,500. This appropriation is subject to Senate Bill No. 2473/House Bill No. 3186 becoming law.

Item 33. Subject to Senate Bill No. 3217/House Bill No. 3467 becoming law, the following appropriations are made for the purpose of implementing the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004:

- (1) To the Department of Correction, 1985 Sentencing Act the sum of \$118,600.
- (2) To the Tennessee Bureau of Investigation the sum of \$318,200 (\$83,100 recurring and \$235,100 non-recurring).
- (3) To the Board of Probation and Parole the sum of \$251,300 (\$19,300 recurring and \$232,000 non-recurring).

Item 34. To the Department of Education, Improving School Programs the sum of \$2,463,200 for the Family Resource Centers program.

Item 35. To the Department of Economic and Community Development the sum of \$750,000 for the state to be represented in its official capacity as host of a national meeting. This appropriation is non-recurring and shall not revert to the general fund at June 30, 2005.

Item 36. To the Department of Labor and Workforce Development a sum sufficient from filing fees imposed in the Workers' Compensation program. This appropriation is intended to upgrade salary ranges for the program specialists. This appropriation is subject to Senate Bill No. 3424/House Bill No. 3531 becoming law.

FRIDAY, MAY 21, 2004 -- 92ND LEGISLATIVE DAY

Item 37. To the Board of Probation and Parole the sum of \$2,500,000 to fund a pilot project for the "Tennessee Serious and Violent Sex Offender Monitoring Act". This appropriation shall be non-recurring and is subject to Senate Bill No. 3159/House Bill No. 3182 becoming law.

AND FURTHER AMEND by deleting from Section 1, Title III-31, of the printed bill the following item:

"2. Department of Education 590,000.00"

and by substituting a new item to read:

"2. Department of Education 140,000.00"

and by adjusting the total accordingly.

AND FURTHER AMEND by adding to Section 2 of the printed bill, a new item to read:

Item _____. From the appropriation made in Section 1, Title III-3, Item 4, to the Department of Agriculture, Forestry Operations, the sum of \$3,600,000 is intended to fund the replacement of bulldozers and associated equipment and to provide for debt service on equipment revolving fund bonds and operational costs. Any unexpended funds for this purpose may be transferred to the State Funding Board and the board is directed to cancel bonds in said amount.

AND FURTHER AMEND by adding to Section 8 of the printed bill a new item as follows:

Item _____. To meet obligations of the program created in T.C.A. Title 49, Chapter 7, Part 8.

AND FURTHER AMEND by adding to Section 9 of the printed bill a new item to read:

Item _____. To the Department of Economic and Community Development, Small Business Energy Loan Program and Local Government Energy Loan Program.

AND FURTHER AMEND by deleting in its entirety Item 19 in Section 10 of the printed bill and by substituting a new Item 19 to read:

Item 19. From the appropriations made to State Prosecutions in Section 1, Title III-7, payments to reimburse counties for housing state prisoners shall not exceed \$32.00 per inmate per day. Provided, however, the \$32.00 per inmate per day limitation on reimbursement payments shall be inapplicable to the extent the state is obligated by the specific terms of a written contract to provide reimbursement at a rate in excess of \$32.00 per inmate per day, but only to the extent of that contractual obligation.

AND FURTHER AMEND by adding to Section 36 of the printed bill the following additional items:

Item _____. To the Department of Mental Health and Developmental Disabilities in Section 1, Title III-14, in the amount of \$420,000. The funds are reappropriated to fund the last year of the Nashville Connection System of Care grant.

FRIDAY, MAY 21, 2004 – 92ND LEGISLATIVE DAY

Item _____. To the Department of Labor and Workforce Development in Section 1, Title III-13, in the amount of \$195,000. The funds are reappropriated to fund a contract with Workers' Compensation Research Institute.

Item _____. To the Tennessee Higher Education Commission in Section 1, Title III-10, in the amount of \$90,000. The funds are reappropriated to study the development of an accredited college of public health.

Item _____. To the Tennessee Local Development Authority in Section 12, Item 18.

Item _____. To the Miscellaneous Appropriations in Section 1, Title III-21, Item 13, Finance and Administration – Special Projects.

AND FURTHER AMEND by deleting in its entirety Section 39 of the printed bill and substituting the following as a new Section 39:

SECTION 39. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. There is hereby appropriated from departmental revenues and federal aid funds the amounts hereinafter set out:

	<u>2003-2004</u>	<u>2004-2005</u>
District Attorneys General Conference		
1. IV-D Child Support Enforcement	\$414,200	\$414,200
Secretary of State		
1. Secretary of State	\$65,000	\$65,000
2. State Library and Archives	370,000	252,000
3. Regional Library System	55,000	55,000
Total Secretary of State	\$490,000	\$372,000
Commissions		
1. TRICOR	\$0	\$972,700
Finance and Administration – TennCare Program		
1. TennCare Services	\$1,500,000	\$15,000,000
Education		
1. Improving School Programs	\$20,000	\$99,200
2. School-Based TennCare Services	1,500,000	15,000,000
Total Education	\$1,520,000	\$15,099,200
Finance and Administration – Mental Retardation		
1. Developmental Disabilities Council	\$33,400	\$100,000
Health		
1. Policy Planning and Assessment	\$250,000	\$50,000
2. Alcohol and Drug Abuse Services	2,017,300	6,052,100
3. Women, Infants, and Children (WIC)	1,128,000	1,128,000
4. Local Health Services	1,000,000	1,000,000
Total Health	\$4,395,300	\$8,230,100

FRIDAY, MAY 21, 2004 – 92ND LEGISLATIVE DAY

	Human Services		
1.	Child Support	\$414,200	\$414,200
2.	Community Services	0	6,842,500
	Total Human Services	\$414,200	\$7,256,700
	Revenue		
1.	Processing Division	\$0	\$152,200
	Transportation		
1.	Mass Transit	\$0	\$8,400,000
	GRAND TOTAL	\$8,767,100	\$55,997,100

The Commissioner of Finance and Administration is authorized to establish 65 full-time positions and to allocate them to the appropriate organizational units, including two positions in the Department of Finance and Administration, Resource Development and Support; one in the Commission on Aging and Disability; and two in the Department of Transportation, Bureau of Administration, for contract monitoring; and one position in the District Attorneys General program; one in Department of Education, Alvin C. York Institute; three in Mental Retardation Division, East Tennessee Region; and two in Department of Health, Communicable and Environmental Disease Services. At June 30, 2004, any unexpended balances of departmental revenues and federal aid funds appropriated in this section are hereby reappropriated in the fiscal year beginning July 1, 2004.

AND FURTHER AMEND by adding to Section 41 of the printed bill the following new items:

Item _____. Subject to Senate Bill No. 3212/House Bill No. 3250 becoming law, the following appropriations are made for the purpose of implementing the Charitable Gaming Implementation Law:

(1) To the Secretary of State in the fiscal year ending June 30, 2004, the sum of \$43,000 from dedicated revenue and a sum not to exceed \$47,000 from state tax revenue.

(2) To the Secretary of State in the fiscal year ending June 30, 2005, the sum of \$1,028,300 from dedicated revenue.

(3) To the Department of Correction, 1985 Sentencing Act, in the fiscal year ending June 30, 2005, the sum of \$8,300.

Item _____. In addition to the appropriations made in Section 1, Title III-1, Item 3.7, to the Economic Council on Women, there is appropriated the sum of \$31,500. The appropriation made in Section 1, Title III-1, Item 3.1, to the Secretary of State is reduced in the amount of \$31,500.

Item _____. From the appropriations made in Sections 1 and 4 of this act to the Department of Children's Services, the Commissioner of Finance and Administration is authorized to transfer amounts budgeted for contract services to payroll and to increase the number of authorized positions to replace contractors with state employees.

Item _____. From the appropriations made in Section 1, Title III-17, to the Department of Human Services, the Commissioner of Finance and Administration is authorized to transfer \$3,845,100 from Community Services to Family Assistance Services. It is the legislative intent to recognize the corrected base budget reduction plan.

Item _____. From the appropriations made in Section 1, Title III-3, to the Department of Agriculture, the Commissioner of Finance and Administration is authorized to transfer \$38,800 from Administration and Grants to Market Development and to adjust departmental revenues accordingly.

Item _____. From the appropriations made in Section 1, Title III-5, to the Department of Environment and Conservation, the Commissioner of Finance and Administration is authorized to transfer \$75,000 from Solid Waste Management to Recreation Educational Services and to adjust departmental revenues accordingly.

Item _____. In the fiscal years ending June 30, 2004, and June 30, 2005, there are appropriated sums sufficient to the Department of Commerce and Insurance, Division of Regulatory Boards, from dedicated revenues and reserves available to the Real Estate Education and Recovery Fund and the Auctioneer Education and Recovery Fund to provide for court-ordered payments.

Item _____. The Commissioner of Finance and Administration is authorized to transfer one full-time position from the Department of Environment and Conservation to the Department of Education, Environmental Education Program, and to adjust departmental revenue accordingly.

Item _____. From the appropriation made in Chapter 356, Public Acts of 2003 and in Section 1, Title II, Item 5, of this act for Indigent Defendants' Counsel, there are earmarked sums sufficient for the sole purpose of funding the provisions of Senate Bill No. 3008/House Bill No. 3454, if such bill becomes law.

Item _____. From the funds appropriated in Section 1, Title III-14, to the Department of Mental Health and Developmental Disabilities, there is appropriated the sums of \$54,000 (recurring) and \$116,500 (non-recurring) for the purpose of funding Senate Bill No. 3390/House Bill No. 3514, if such bill becomes law. It is the legislative intent that the costs of equipping the regional mental health institutes and the recurring communication costs be paid out of the savings generated from the bill.

Item _____. Subject to Senate Bill No. 3385/House Bill No. 3526 becoming law, it is the legislative intent to recognize a loss in dedicated revenue of \$18,345 to the Department of Commerce and Insurance, Division of Regulatory Boards.

Item _____. From the appropriations made in Section 1, Title III-22 of this act, to the Department of Children's Services for the maintenance of the Tennessee Preparatory School property, the Commissioner of Finance and Administration is authorized to transfer appropriations and positions to other agencies and to the Facilities Revolving Fund to provide for the continued maintenance of the property.

Item _____. There is hereby appropriated a sum sufficient to fund the cost of any background investigation conducted under the provision of Chapter 528, Public Acts of 2004,

including any background investigation requested by the Chair of the nominating commission

appointed pursuant to Tennessee Code Annotated, Section 38-6-101. It is the legislative intent that such cost be a public expense.

Item _____. There is hereby appropriated a sum sufficient to the Tennessee Bureau of Investigation to fund the provisions of Senate Bill No. 3148/House Bill No. 3291.

Item _____. There is hereby appropriated a sum sufficient to the General Assembly to fund the cost of a contract for an executive search and background checks of applicants for the position of director of the Tennessee Bureau of Investigation.

Item _____. Subject to Senate Bill No. 2078/House Bill No. 2143 or Senate Bill No. 2277/House Bill No. 2160 becoming law, it is the legislative intent to recognize a \$167,400 loss of state revenue, relative to sales tax exemption for motor vehicles sold and registered in Tennessee to Tennessee National Guardsmen or U.S. uniformed service Reservists who are in active military service and are stationed outside the U.S. during hostilities and are receiving combat pay.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is hereby appropriated to the Department of Finance and Administration for distribution to the appropriate entities a sum sufficient to fund any bill on which the final fiscal note indicates that: (a) state revenues would be increased in an amount equal to or greater than state expenditures as a result of the enactment of such bill; or (b) the cost of implementation of the bill is minimal or not significant. It is the legislative intent that if funding is earmarked for implementation in such bills that the funds appropriated in this item be reduced accordingly. It is the legislative intent to recognize a revenue loss from bills that result in no expenditure increase but forego revenue which has not been collected previously.

AND FURTHER AMEND by deleting in its entirety the last paragraph in Section 1, Title III-31 of the printed bill, and by substituting a new paragraph to read:

Said funds herein appropriated shall be used solely for improvements, betterments, and additions to state structures and for the acquisition of additional land and space, including the purchase of existing structures and grants, as described or referred to above and as approved by the State Building Commission; provided, further, that such funds as are appropriated herein shall be utilized to finance only those projects, improvements, betterments, or additions which are presented in the State of Tennessee's 2004-2005 Budget Document, as amended by any changes or additional projects contained in the Appropriations Act as passed on third and final consideration; provided, further, that all funds appropriated in this act or other general acts of this session for capital outlay shall be subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 15, Part 1, and further expressly providing for the making of a grant to the Historic Tennessee Theatre Foundation, a not-for-profit organization located in Knoxville. Such grant so identified and approved is determined to be for a public purpose.

AND FURTHER AMEND by deleting in its entirety the second paragraph in Section 2, Item 11 of the printed bill, and by substituting a new paragraph to read:

Other appropriations made under this act to the Department of Correction, Sentencing Act of 1985, are hereby reappropriated to the department for major maintenance

FRIDAY, MAY 21, 2004 – 92ND LEGISLATIVE DAY

and capital outlay purposes or to cancel bonds. The balance of any reserve fund carried forward at June 30, 2004, is hereby reappropriated to the department for major maintenance or capital outlay purposes. The appropriation and transfer of funds authorized in this item are made under the provisions of Tennessee Code Annotated, Section 9-4-210.

AND FURTHER AMEND by deleting from Section 10, Item 12 of the printed bill, the citation "Item 7.2," and substituting the citation "Item 7.3,".

AND FURTHER AMEND by deleting from Section 10 of the printed bill, Item 31 in its entirety and by inserting in Section 9 of the printed bill a new item to read:

Item _____. To the Department of Tourist Development from revenues received from communities, businesses, non-state organizations, federal funds, and other sources of departmental revenue to be used for marketing programs of the department. Any unexpended balances at June 30 shall be carried forward in a reserve and are hereby reappropriated in the subsequent fiscal year. The provisions of this item shall take effect upon becoming law, the public welfare requiring it.

AND FURTHER AMEND by adding the following new item at the end of Section 10:

Item _____. Effective July 1, 2004, there shall be established a separate allotment code for the Division of Charitable Solicitations in the Department of State to include all revenues, receipts, expenses and disbursements of the division.

AND FURTHER AMEND by adding a new item to Section 12 of the printed bill to read:

Item _____. There is appropriated to the Treasury Department the sum of \$83,600 from departmental revenues.

AND FURTHER AMEND by adding to Section 23, Item 1 of the printed bill, a new sentence at the end of the last paragraph to read:

When submitted, a copy of operational budget expansion reports shall be provided to the Fiscal Review Committee executive director and the Office of Legislative Budget Analysis director for information purposes.

AND FURTHER AMEND by deleting from Section 31, paragraph 10, the figure "\$30,940,000" and by substituting the figure "\$61,880,000".

AND FURTHER AMEND by deleting in its entirety Item 1 from Section 35 of the printed bill and substituting a new Item 1 to read:

Item 1. To the Judicial Branch in Section 1, Title II, but excluding the appropriations for Indigent Defendants' Counsel, Civil Legal Representation, Verbatim Transcripts, Board of Law Examiners, Board of Professional Responsibility, Tennessee Lawyers Assistance Program, Continuing Legal Education and Client Protection Fund.

AND FURTHER AMEND by deleting from Section 36, Item 9 of the printed bill, the citation "Item 18." and substituting the citation "Item 16.".

FRIDAY, MAY 21, 2004 – 92ND LEGISLATIVE DAY

AND FURTHER AMEND by deleting from Section 36, Item 31 of the printed bill, the citation "Section 12," and substituting the citation "Section 36,".

AND FURTHER AMEND by deleting in its entirety Section 37 of the printed bill and substituting a new Section 37 to read:

SECTION 37. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it. Subject to the availability of revenue at June 30, 2004, any unexpended balances of appropriations made under Chapter 356, Public Acts of 2003, other acts of this General Assembly or acts by previous General Assemblies for benefit of an agency of local government or a third-party nonprofit organization for which there is a grant agreement/contract approved by the Commissioner of Finance and Administration are hereby reappropriated to be expended in the 2004-2005 fiscal year and such appropriations shall be carried forward in a reserve into the fiscal year beginning July 1, 2004. The Commissioner of Finance and Administration shall provide a list of any unexpended balances carried forward to the Director of Accounts and to the Division of State Audit. The reappropriation and carry forward of these funds is subject to approval by the Commissioner of Finance and Administration.

AND FURTHER AMEND by inserting in Section 41, Item 28 of the printed bill, the word "ending" before the date "June 30, 2005".

AND FURTHER AMEND by deleting from Section 41 of the printed bill, Item 34 in its entirety and by substituting a new Item 34 to read:

Item 34. The departmental revenues appropriated in this act from federal homeland security grant programs are subject to the following provisions:

(a) A sum sufficient of this federal revenue is hereby appropriated for expenditure in the year ending June 30, 2004, and the unexpended balance in the year ending June 30, 2005. The allotment of these funds is subject to approval of the Commissioner of Finance and Administration, and the distribution among state and local agencies shall be subject to approval of or under procedures of the state Homeland Security Council.

(b) The Commissioner of Finance and Administration is hereby authorized to reallocate appropriations within the affected state agencies and to reallocate homeland security appropriations among the affected agencies for the purpose of providing the required state match to these and other federal homeland security and bioterrorism grants; to adjust position authorizations among affected departments, offices, and programs for that purpose; and to adjust federal and other departmental revenue estimates accordingly.

AND FURTHER AMEND by deleting in its entirety Section 41, Item 35 of the printed bill and substituting a new item to read:

Item 35. From the appropriations in Public Acts of 2003, Chapter 356, and in Sections 1 and 4 of this act, sums sufficient are appropriated for state agencies to pay the professional privilege tax levied in Tennessee Code Annotated, Title 67, Chapter 4, Part 17, on behalf of full-time state employees who are subject to the tax; and who use the certification in their job duties. The payment is subject to approval by the department or agency head. This item is

FRIDAY, MAY 21, 2004 – 92ND LEGISLATIVE DAY

subject to authorization of such payments in Tennessee Code Annotated, Title 67, Chapter 4, Part 17, as amended by Senate Bill No. 3418/House Bill No. 3480, if such bill becomes law.

AND FURTHER AMEND by adding new items to Section 41 of the printed bill to read:

Item _____. The appropriation of \$25,000 made in Section 12, Item 1044 of the 1998 Appropriations Act is hereby reappropriated to the Mockingbird Community Retirement Center, a 501(c)(3) organization, to be used for planning of a retirement center for persons with speech and hearing impairments.

Item _____. From the funds appropriated in Section 1, Title III-24 of this act, to the Department of Finance and Administration - Mental Retardation, there is hereby earmarked a sum sufficient not to exceed \$350,000 for the purpose of defraying extraordinary liability insurance expenses incurred by certain providers of mental retardation services to be determined and administered by the Department of Commerce and Insurance.

Item _____. From the revenues produced by the professional privilege tax levied in Tennessee Code Annotated, Title 67, Chapter 4, Part 17, there is hereby appropriated a sum sufficient to reimburse public higher education institutions and programs for payment of the tax on behalf of full-time employees who are subject to the tax.

AND FURTHER AMEND by deleting from Section 43, Item 5 of the printed bill, the figure "\$220,000,000" and substituting the figure "\$222,000,000".

AND FURTHER AMEND by deleting in its entirety Section 43, Item 7 of the printed bill and substituting a new item to read:

Item 7. In the fiscal year ending June 30, 2005, subject to authorization in Senate Bill No. 3448/House Bill No. 3546, if such bill becomes a law, or to authorization in other law, an amount of \$65,800,000 shall be transferred to the general fund from the Department of Transportation funds in the highway fund or other funds.

AND FURTHER AMEND by inserting at the end of Section 43, Item 10, the following: "The Commissioner of Finance and Administration shall report to the chairmen of the Senate and House Finance, Ways and Means Committees the amounts reallocated by agency."

AND FURTHER AMEND by deleting from Section 43, Item 12 of the printed bill, the citation "Section 1, Title III-3" and substituting the citation "Section 1, Title III".

AND FURTHER AMEND by adding a new item at the end of Section 46 of the printed bill:

Item _____. It is the legislative intent to hold harmless the groups receiving revenue in the fiscal year ending June 30, 2004, under the provisions of Tennessee Code Annotated, Title 55, Chapter 4, Part 2 – Special License Plates, in the event the allocation of revenue is discontinued through court proceedings in the fiscal year ending June 30, 2005. Subject to the allocation of revenue being discontinued, there is hereby appropriated to Miscellaneous Appropriations a sum sufficient on a non-recurring basis in an amount equal to the allocation of revenues in the fiscal year ending June 30, 2004, less any allocation made prior to being discontinued in the fiscal year ending June 30, 2005. The Commissioner of Finance and Administration shall determine the amounts to be allocated.

AND FURTHER AMEND by deleting from Section 49, Item 7 of the printed bill, the words and punctuation "tuition increases." and substituting the words and punctuation "tuition increases or budget reallocations."

AND FURTHER AMEND by inserting in Section 51 of the printed bill, the words "and property insurance premiums" in the first sentence after the words "Board of Claims premiums".

AND FURTHER AMEND by deleting in its entirety Section 55 of the printed bill and substituting in lieu thereof the following:

SECTION 55. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. From the lottery for education account, the after-school programs special account, and other accounts and sub-accounts established pursuant to the Tennessee Education Lottery Implementation Law, Public Acts of 2003, Chapter 297, sums sufficient hereby are appropriated for the higher education scholarship programs and other education programs authorized by that law; by Public Acts of 2003, Chapter 298, the lottery-funded education programs law; and by Senate Bill No. 3158/House Bill No. 3210, relative to lottery-funded after-school educational programs, if that bill becomes a law. The appropriations from these sources for pre-kindergarten and early childhood education programs shall not exceed eight million (\$8,000,000) and for after-school programs shall not exceed two million dollars (\$2,000,000); provided that in both cases the appropriation is contingent upon the availability of funds in the proper account and upon the availability of excess funds from net lottery proceeds, after the funding of higher education scholarships.

Senator Kyle moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 3415**, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senator Kyle moved that the Senate concur in House Amendment No. 10 to **Senate Bill No. 3415**.

Senator Kyle moved that **Senate Bill No. 3415** be moved eight places down on the order of business for today, which motion prevailed.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Haynes as Speaker pro tempore.

MOTION

Senator Kilby moved that the rules be suspended for the immediate consideration of **Senate Resolution No. 273**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Resolution No. 273 -- Memorials, Interns -- Brandalyn Michelle Hayes.

On motion of Senator Kilby, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 273** was adopted by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

House Bill No. 3319 -- Education, Higher -- Enacts the "Higher Education Accountability Act of 2004".

Senator Cooper moved to lift from the table a motion to reconsider on **House Bill No. 3319**, which motion prevailed.

Senator Cooper moved that the Senate reconsider its action in passing **House Bill No. 3319**, which motion prevailed.

Senator Cooper moved that the Senate reconsider its action in adopting Amendment No. 1 to **House Bill No. 3319**, which motion prevailed.

Senator Cooper moved that Amendment No. 1 to **House Bill No. 3319** be withdrawn, which motion prevailed.

Thereupon, **House Bill No. 3319** passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

MOTION

Senator Cooper moved that Rule 37 be suspended for the immediate consideration of **Senate Bill No. 905**, out of order, which motion prevailed.

Senate Bill No. 905 -- Plumbers and Plumbing -- Requires plumbers to be licensed by board for licensing contractors. Amends TCA Title 62, Chapter 6.

On motion, Senate Bill No. 905 was made to conform with **House Bill No. 724**.

On motion, House Bill No. 724, on same subject, was substituted for Senate Bill No. 905.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

not less than

12,300

48,000

39,200

14,300

11,369

5,500

38,200

nor more than

12,368

48,100

39,300

14,400

11,450

5,600

38,300

Senator Cooper moved that Rule 9 be suspended for the purpose of allowing Representative Curtiss to address the Body about **House Bill No. 724**, which motion prevailed.

On motion of Senator Cooper, Amendment No. 1 was withdrawn.

On motion of Senator Cooper, Amendment No. 2 was withdrawn.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 3

AMEND by adding the following language as a new subsection (i) to Section 7, as amended:

(i) Notwithstanding the foregoing, nothing in this act shall prohibit a city or county from adopting and enforcing stricter testing and/or experience requirements for a person to engage in plumbing work within the jurisdiction of such city or county. Provided that once an individual passes the license issued by the board to perform plumbing services statewide and such individual meets such stricter requirements, then such individual may perform plumbing services in any municipality, metropolitan government or county in this state.

AND FURTHER AMEND by deleting the language "After January 1, 2006" from Section 7(a)(5) and by substituting instead the language "Except as provided in subsection (i) of this Section, after January 1, 2006".

On motion, Amendment No. 3 was adopted.

Senator Jackson moved to amend as follows:

AMENDMENT NO. 4

AMEND: Exempt 25th Senate District.

Pursuant to Rule 39(3), Amendment No. 4 was adopted by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cohen, Cooper, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

Senator Herron moved to amend as follows:

AMENDMENT NO. 5

AMEND: To exclude the 24th Senatorial District.

Pursuant to Rule 39(3), Amendment No. 5 was adopted by the following vote:

Ayes	24
Noes	0

Senators voting aye were: Atchley, Burchett, Burks, Cooper, Crutchfield, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--24.

Thereupon, **House Bill No. 724**, as amended, passed its third and final consideration by the following vote:

Ayes	19
Noes	6
Present, not voting . . .	3

Senators voting aye were: Atchley, Bryson, Burchett, Cohen, Cooper, Crutchfield, Graves, Harper, Haynes, Henry, Ketron, Kurita, Kyle, McLeary, McNally, Ramsey, Southerland, Trail and Mr. Speaker Wilder--19.

Senators voting no were: Burks, Fowler, Miller, Norris, Person and Williams--6.

Senators present and not voting were: Dixon, Herron and Jackson--3.

A motion to reconsider was tabled.

MR. SPEAKER WILDER RESUMES CHAIR

Mr. Speaker Wilder resumed the Chair.

SENATE MESSAGE CALENDAR NO. 2

Mr. Speaker Wilder moved that **Senate Bill No. 3057** be moved two places down on Message Calendar No. 2 for today, which motion prevailed.

Mr. Speaker Wilder moved that **Senate Bill No. 2722** be moved two places down on Message Calendar No. 2 for today, which motion prevailed.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
SENATE BILL NO. 2915/HOUSE BILL NO. 2785**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 2785 (Senate Bill No. 2915) has met and recommends that the following amendments be deleted: House Amendment No.1 (HA 1281) and Senate Amendment No. 1 (SA 1241).

The Committee further recommends that the following amendment be adopted:

AMEND by adding the following as a new section to precede the effective date section:

SECTION ____, Tennessee Code Annotated, Section 4-29-104, is amended by adding a new subsection thereto, as follows:

(e) Notwithstanding the provisions of § 4-29-115 or any other provision of law to the contrary, if the evaluation committee created in § 4-29-103 has not completed a public hearing regarding a governmental entity which has been reviewed by the office of the comptroller and such entity is due to terminate on or by June 30, 2004, then such entity shall be extended for two (2) years, or until the evaluation committee conducts a public hearing and the action by the general assembly to terminate, continue, reestablish or restructure the governmental entity takes effect, whichever occurs first. If such hearing and action by the general assembly does not occur prior to June 30, 2006, then any entity continued pursuant to the provisions of this subsection (e) is terminated and shall wind up its affairs pursuant to § 4-29-112. The Tennessee code commission is specifically authorized to revise the termination date of any governmental entity subject to the provisions of this subsection.

/s/ Senator Thelma Harper
/s/ Senator Charlotte Burks
/s/ Senator Steve Southerland

/s/ Representative Michael Kernell
/s/ Representative Barbara Cooper
/s/ Representative Bobby Wood

Senator Harper moved that the Conference Committee Report on **Senate Bill No. 2915/House Bill No. 2785** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3057 -- Marriage -- Deletes exception to payment of additional \$62.50 fee for marriage license that both applicants are out-of-state residents. Amends TCA Section 36-6-413.

HOUSE AMENDMENT NO. 1

AMEND by inserting the following language as new Sections 2 and 3 of the bill and by renumbering Section 2 of the printed bill as Section 4:

SECTION 2. Tennessee Code Annotated, Section 36-6-413(b)(2)(E), is amended by deleting the language "One dollar and twenty-five cents (\$1.25)" and by substituting instead the language "Three dollars (\$3.00)".

SECTION 3. Tennessee Code Annotated, Section 36-6-413(b)(2), is amended by deleting item (H) in its entirety.

Senator Jackson moved that the Senate nonconcur in House Amendment No. 1 to **Senate Bill No. 3057**, which motion prevailed by the following vote:

Ayes	26
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Dixon, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder--26.

HOUSE AMENDMENT NO. 4

AMEND by deleting the following language:

SECTION _____. The provisions of this act shall not apply in any county having a population of not less than eight hundred ninety-seven thousand four hundred (897,400) nor more than eight hundred ninety-seven thousand five hundred (897,500) according to the 2000 federal census or any subsequent federal census.

And by substituting instead the following new language:

SECTION _____. The provisions of this act shall not apply in any county having a population of not less than eight hundred ninety-seven thousand four hundred (897,400) nor more than eight hundred ninety-seven thousand five hundred (897,500) according to the 2000 federal census or any subsequent federal census; provided, however, that such county shall continue to receive the same allocation of funds pursuant to the provisions of Tennessee Code Annotated, Section 36-6-413, which it was entitled to receive prior to the provisions of this act becoming law, notwithstanding the exemption of this county from the provisions of this act.

Senator Jackson moved that the Senate nonconcur in House Amendment No. 4 to **Senate Bill No. 3057**, which motion prevailed by the following vote:

Ayes 26
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Dixon, Fowler, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Mr. Speaker Wilder--26.

FURTHER ACTION ON SENATE BILL NO. 3415

Senator Kyle moved that the Senate concur in House Amendment No. 10 to **Senate Bill No. 3415**, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2722 -- Parks, Natural Areas Preservation -- Modifies physical description of Lucius E. Burch, Jr., Natural Area in Shelby Farms Forest Park; requires department to promulgate rules to establish mechanism for public comment on proposed alterations or additions to natural areas. Amends TCA Title 11, Chapter 14.

HOUSE AMENDMENT NO. 2

AMEND by adding the following as a new section to precede the effective date section:

SECTION ____ The Shelby County Commission and the Shelby Farm Park Board shall be responsible for monitoring the activities occurring on the trails in the Lucius E. Burch, Jr., Natural Area and shall also take appropriate enforcement action as provided by this part against any action prohibited by this part.

Senator Cohen moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 2722**, which motion prevailed by the following vote:

Ayes 25
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kurita, McLeary, McNally, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--25.

A motion to reconsider was tabled.

NOTICE

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3336. The House adopted the Conference Committee Report and made it the action of the House.

BURNEY T. DURHAM,
Chief Clerk.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 3336/SENATE BILL NO. 2861**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 3336 (Senate Bill No. 2861) has met and recommends that the following amendments be deleted:

House Amendment #1 (HA 1293) and Senate Amendment # 1 (SA 1385).

The Committee further recommends that the following amendment be adopted:

AMEND by deleting the amendatory language of Section 4 of the printed bill and by substituting instead the following:

(15) One (1) retired teacher, who is a vested member of the Tennessee consolidated retirement system, to be elected at large by the representative assembly of the Tennessee retired teachers association to serve for a one (1) year term commencing on July 1, 2004. The retired teacher shall be a non-voting member of the board of trustees.

AND FURTHER AMEND, by adding the following as a new Section 5 of the printed bill, and by redesignating the existing Section 5 to be Section 6.

SECTION 5. Tennessee Code Annotated, Section 8-34-302, is amended by adding the following as a new subsection (c):

(c) The board of trustees is hereby directed to study the composition of the board and to submit its written findings to the council on pensions and insurance no later than February 1, 2005.

AND FURTHER AMEND by adding the following as a new section immediately preceding the effective date section:

SECTION _____. The provisions of this act shall cease to be effective on June 30, 2005.

/s/ Senator Roy Herron
/s/ Senator Douglas Henry
/s/ Senator Randy McNally

/s/ Representative Mark Maddox
/s/ Representative Judd Matheny
/s/ Representative Steven Buttry

Senator Herron moved that the Conference Committee Report on **House Bill No. 3336/ Senate Bill No. 2861** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

NOTICE

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1093. The House adopted the Conference Committee Report and made it the action of the House.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF SELECT COMMITTEE CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 1093/SENATE BILL NO. 1202

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 1093 (Senate Bill No. 1202) has met and recommends that the following amendments be adopted: Senate Amendments Nos. 1 and 2. The Committee further recommends that the following additional amendment be adopted:

AMEND by deleting the last section and by substituting instead the following:

SECTION _____. There is created a special committee to study issues related to the cost and adequacy of certain programs of postsecondary education provided by institutions authorized pursuant to Title 49, Chapter 7, Part 20, of the Tennessee Code.

SECTION _____. The committee shall specifically study the appropriateness and the relevance of current training and education provided to students enrolled in allied health and massage therapy programs by institutions authorized pursuant to Title 49, Chapter 7, Part

20, of the Tennessee Code, to determine the extent to which training and educational activities are structured to assure the availability of up-to-date training that reflects current responsibilities of the various allied health fields.

SECTION __. The committee shall also review new certificate and diploma programs, as well as, all allied health and massage therapy programs authorized pursuant to Title 49, Chapter 7, Part 20, of the Tennessee Code, between July 1, 2003, and June 30, 2004. The special committee shall determine the extent that adequate employment opportunities exist in related occupations for persons successfully completing such programs and whether the costs of such programs are reasonable in relation to the reasonably expected earnings in occupations for which the program is designed.

SECTION __. The committee shall survey other states to determine which requires the institutions it regulates to track placement rates and other information indicating actual employment and earnings in relevant occupations post successful completion of offered programs. The survey shall also include if, and how such information is required to be published or posted or otherwise be made known to the public and/or prospective students.

SECTION __. The committee shall consist of seven (7) members:

- (1) Three (3) members of the Senate, appointed by the Speaker of the Senate;
- (2) Three (3) members of the House of Representatives, appointed by the Speaker of the House; and
- (3) The president of the Tennessee Proprietary Business Schools Association.

SECTION __. The committee shall be convened by the legislative member with the most years of continuous legislative service and, at its organizational meeting, shall elect from the legislative membership a chair, a vice chair, and such other officers as it may deem necessary.

SECTION __. Members of the committee shall serve without compensation, except that any member of the committee who is not a state employee shall be reimbursed for all travel expenses incurred as a result of his or her duties with the committee in accordance with the provisions of the comprehensive travel regulations promulgated by the Department of Finance and Administration and approved by the attorney general.

SECTION __. The postsecondary authorization division of the commission shall provide any staffing assistance requested by the committee.

SECTION __. The committee shall report its findings and recommendations to the governor and the general assembly by February 1, 2005, at which time the committee shall cease to exist. As part of the report, the commission shall make recommendations regarding any legislation that should be pursued to strengthen consumer protection measures for students.

SECTION __. For the purpose of appointing the members of the committee, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on July 1, 2004, the public welfare requiring it.

/s/ Senator Randy McNally
/s/ Senator Roscoe Dixon
/s/ Senator Jo Ann Graves

/s/ Representative Lois DeBerry
/s/ Representative Joe Kent
/s/ Representative Mark Maddox

Senator Dixon moved that the Conference Committee Report on **House Bill No. 1093/Senate Bill No. 1202** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 26
Noes 0

Senators voting aye were: Atchley, Bryson, Burks, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--26.

A motion to reconsider was tabled.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Atchley as Speaker pro tempore.

CALENDAR

Senate Bill No. 2617 -- Education, Higher -- Clarifies that recipient of HOPE scholarships or other lottery funded awards will continue to be eligible for educational assistance benefits provided to children of POWs, MIAs, and combat-related deaths. Amends TCA Title 49, Chapter 4, Part 9 and Section 49-7-102.

On motion, Senate Bill No. 2617 was made to conform with **House Bill No. 2688**.

On motion, House Bill No. 2688, on same subject, was substituted for Senate Bill No. 2617.

Senator Henry moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 4, Part 9, is amended by adding the following as a new section:

§ 49-4-926. (a) As used in this section, unless the context otherwise requires:

(1) "Dependent child" means a natural or adopted child of a service member whom such service member claimed as a dependent for federal income tax purposes; provided that such child is under twenty-one (21) years of age.

(2) "Member of the armed services" means a citizen of Tennessee who is a member of the Armed Forces of the United States, or a member of a reserve or Tennessee National Guard unit who is called into active military

service of the United States, as defined in § 58-1-102, and is stationed outside the United States during hostilities in which military personnel are entitled to combat compensation as determined by the United States Department of Defense.

(3) "Serving honorably" means the character of service condition as reported on certificate of release or discharge from active duty (Department of Defense form 214).

(b) Notwithstanding any provision of this part to the contrary, a student who is a dependent child or spouse of a member of the armed services who, while serving honorably, was killed in action, died as a direct result of injuries received from a service-connected, combat-related cause, or was officially reported as being either a prisoner of war or missing in action shall be eligible for a Tennessee HOPE scholarship, if the student meets the requirements of subdivisions (1)-(6) of § 49-4-904, subdivisions (a)(2) and (a)(3) of § 49-4-905, and subdivision (3) of § 49-4-907, and such student was a citizen of Tennessee at the time such member of the armed forces died, was imprisoned, or was reported missing in action.

(c) A student claiming eligibility under this section shall present the documentation required by § 49-7-102(b)(1).

(d)(1) A student receiving a Tennessee HOPE scholarship under this section shall meet the requirements of § 49-4-911 to continue to receive the scholarship.

(2) A student who qualifies for a Tennessee HOPE scholarship under this section as a spouse of a member of the armed services shall apply for a scholarship and enroll in an eligible postsecondary institution within ten (10) years of the date of death, imprisonment, or report that such member of the armed services is missing in action. If such spouse remarries prior to the receipt of such scholarship, then such spouse's eligibility under this section shall terminate.

(e) If a student eligible for a Tennessee HOPE scholarship under this section attends an eligible public postsecondary institution and receives a waiver of tuition and fees under § 49-7-102, then, notwithstanding any provision of this part to the contrary, such scholarship may be used for the cost of room and board, which shall not exceed the maximum cost of room and board provided through the facilities of the eligible public postsecondary institution.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

On motion of Senator McNally, Amendment No. 2 was withdrawn.

On motion of Senator Crowe, Amendment No. 3 was withdrawn.

Thereupon, **House Bill No. 2688**, as amended, passed its third and final consideration by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Dixon, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--29.

A motion to reconsider was tabled.

MOTION

Senator Cohen moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 1009**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 1009 -- Naming and Designating -- Names Tennessee Fire Service and Codes Enforcement Academy in Bedford County in honor of Representative Clarence "Pete" Phillips.

On motion of Senator Cohen, the rules were suspended for the immediate consideration of the resolution.

Senator Trail moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following language as a new resolving clause:

BE IT FURTHER RESOLVED, that if funds are not provided in the budget for the necessary signs then this resolution shall become operative only if the cost for such signs is paid by other than state funds.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Joint Resolution No. 1009**, as amended, was concurred in by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

MOTION

Senator Harper moved that the rules be suspended for the immediate consideration of **Senate Resolution No. 272**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Resolution No. 272 -- Memorials, Interns -- David Shaw.

On motion of Senator Harper, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 272** was adopted by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

NOTICE

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2960. The House adopted the Conference Committee Report and made it the action of the House.

BURNEY T. DURHAM,
Chief Clerk.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 2960/SENATE BILL NO. 3099**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 2960 (Senate Bill No. 3099) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-3-359(c)(2), is amended by adding the following two (2) sentences at the end of the subdivision:

Each public school nurse employed by an LEA shall maintain current certification through a certifying cardiopulmonary resuscitation course consistent with the scientific guidelines of the American Heart Association in collaboration with the International Liaison Committee on Resuscitation.

SECTION 2. Tennessee Code Annotated, Section 49-5-414, is amended by designating the current language as subsection (a) and by inserting the following as a new subsection (b):

(b) The Department of Education, office of school health programs, shall conduct a survey of all public elementary and secondary schools to determine each school's proficiency or deficiency in administering subsection (a). That survey shall include, but shall not be limited to, the following:

(1) Identifying the number, if any, of full-time employee volunteers who are currently certified in CPR at each school;

(2) Identifying those LEAs that currently provide CPR training programs for teacher in-service training, and the number of teachers who participate in that training for each school;

(3) Identifying whether individual teachers or employees are required to pay for their own certification or certification maintenance, and if the LEA pays for such training, how those funds are accounted for in each LEA's budget; and

(4) Identifying those schools that provide CPR training to students.

Each public elementary and secondary school shall respond to this survey as requested by the Department of Education. The Department of Education shall report its findings, including the number of schools that responded to the survey, to the respective Chairs of the Education Committees of both the House and Senate and to the American Heart Association no later than February 1, 2005.

SECTION 3. The survey required by this act shall be funded through the existing resources of the Department of Education.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

/s/ Senator Person
/s/ Senator Dixon
/s/ Senator Kurita

/s/ Representative Lynn
/s/ Representative Winningham
/s/ Representative Maddox

Senator Person moved that the Conference Committee Report on **House Bill No. 2960/Senate Bill No. 3099** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3057 -- Marriage -- Deletes exception to payment of additional \$62.50 fee for marriage license that both applicants are out-of-state residents. Amends TCA Section 36-6-413.

Senator Jackson moved that the Senate refuse to recede from its action in nonconcurring in House Amendments Nos. 1 and 4 to **Senate Bill No. 3057**, which motion prevailed.

Senator Jackson moved that the Speaker appoint a Conference Committee to meet with a like committee from the House to resolve the differences between the two Bodies on **Senate Bill No. 3057**, which motion prevailed.

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
SENATE BILL NO. 3057**

The Speaker announced the appointment of a Conference Committee composed of Senators Jackson, Chairperson; Burchett and Kilby to confer with a like committee from the House to resolve the differences of the two Bodies on Senate Bill No. 3057.

NOTICES

MESSAGE FROM THE HOUSE
May 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3057. The House refused to recede from its action in adopting House Amendments Nos. 1 and 4. The Speaker appointed a Conference Committee composed of Representatives Fowlkes, McCord and Maddox to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on Senate Bill No. 3057.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE
May 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3102, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3102 -- Tort Liability -- Adds skateboarding to list of recreational activities where landowner has limited liability. Amends TCA Title 70, Chapter 7.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 70, Chapter 7, is amended by adding the following sections as a new part thereto:

70-7-201. The general assembly recognizes that persons who participate in whitewater rafting may incur injuries as a result of the risks involved in such activity. The general assembly also finds that the state and its citizens derive numerous economic and personal benefits from such activity. It is, therefore, the intent of the general assembly to encourage whitewater rafting by limiting the civil liability of those involved in such activity.

70-7-202. As used in this part, "whitewater rafting" means whitewater rafting on a fast-flowing river which is located in a national forest.

70-7-203. Except as provided in § 70-7-204, a whitewater rafting company shall not be liable for an injury to or the death of a participant resulting from the inherent risk of whitewater rafting. Except as provided in § 70-7-204, no participant or participant's representative shall make any claim against, maintain an action against, or recover from a whitewater rafting company for injury, loss, damage, or death of the participant resulting from any of the inherent risks of whitewater rafting.

70-7-204. Nothing in § 70-7-204 shall prevent or limit the liability of a whitewater rafting company if such company or an employee of such company:

(1) Provided the equipment and knew or should have known that the equipment was faulty, and such equipment was faulty to the extent that it did cause the injury; or

(2) Provided the equipment and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the whitewater rafting activity and determine the ability of the participant to safely manage the equipment based on the participant's representations of the participant's ability; or

(3) Commits an act or omission that constitutes gross negligence or willful or wanton disregard for the safety of the participant, and that act or omission caused the injury; or

(4) Intentionally injures the participant.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it, and is repealed effective July 1, 2006.

Senator Southerland moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 3102**, which motion prevailed by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 2

AMEND by deleting from the first paragraph of Section 70-7-204 of the amendatory language of Section 1 as amended the code citation "§ 70-7-204" and substituting instead the citation "§ 70-7-203".

Senator Southerland moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 3102**, which motion prevailed by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 4

AMEND by adding the following language as a new, appropriately designated section to precede the effective date section and by renumbering the remaining sections accordingly:

SECTION ____ Tennessee Code Annotated, Section 70-7-102, is amended by adding the language "skateboarding", between the word "sightseeing", and the words "animal riding".

Senator Southerland moved that the Senate concur in House Amendment No. 4 to **Senate Bill No. 3102**, which motion prevailed by the following vote:

Ayes 24
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail and Williams--24.

A motion to reconsider was tabled.

MOTION

Senator Herron moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 1197**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 1197 -- Naming and Designating -- "Chancellor Nick Dunagan Day", June 3, 2004.

On motion of Senator Herron, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 1197** was concurred in by the following vote:

Ayes	27
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail and Williams--27.

A motion to reconsider was tabled.

PRESENTATION

Senator Burks presented **House Joint Resolution No. 1324** to Representative Raymond Walker.

MOTION

Senator Crowe moved that Consent Calendar No. 3 be considered next, which motion prevailed.

CONSENT CALENDAR NO. 3

House Joint Resolution No. 1321 -- Memorials, Retirement -- Representative Bobby G. Wood.

House Joint Resolution No. 1322 -- Memorials, Retirement -- Representative Joe Kent.

House Joint Resolution No. 1323 -- Memorials, Recognition -- Representative H.E. Bittle.

House Joint Resolution No. 1324 -- Memorials, Public Service -- Representative Raymond B. Walker.

House Joint Resolution No. 1325 -- Memorials, Public Service -- Representative Diane Black.

House Joint Resolution No. 1326 -- Memorials, Public Service -- Representative Steven W. Buttry.

FRIDAY, MAY 21, 2004 -- 92ND LEGISLATIVE DAY

House Joint Resolution No. 1327 -- Memorials, Public Service -- Representative Jamie Hagood.

House Joint Resolution No. 1328 -- Memorials, Public Service -- Representative Jim Vincent.

Senator Crowe moved that all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--27.

A motion to reconsider was tabled.

MOTION

Senator Graves moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 1315**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 1315 -- Memorials, Congress -- Urges the Federal Energy Regulatory Commission to reconsider its approval of an application requesting an interconnection between the Peabody Energy Corporation's Thoroughbred Energy Campus and the Tennessee Valley Authority's transmission system.

On motion of Senator Graves, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 1315** was concurred in by the following vote:

Ayes 26
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cohen, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--26.

A motion to reconsider was tabled.

MR. SPEAKER WILDER RESUMES CHAIR

Mr. Speaker Wilder resumed the Chair.

MOTION

Senator Bryson moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 1329**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 1329 -- Memorials, Death -- Rozella N. Peebles.

On motion of Senator Bryson, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 1329** was concurred in by the following vote:

Ayes 25
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--25.

A motion to reconsider was tabled.

NOTICE

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 724. The House nonconcurred in Senate Amendments Nos. 4 and 5.

BURNEY T. DURHAM,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 724 -- Plumbers and Plumbing -- Requires plumbers to be licensed by board for licensing contractors. Amends TCA Title 62, Chapter 6.

Senator Cooper moved that the Senate refuse to recede from its action in adopting Senate Amendments Nos. 4 and 5 to **House Bill No. 724**, which motion prevailed.

NOTICE

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2209. The House lifted the tabling motion, reconsidered action in concurring in Senate Amendments Nos. 1, 2 and 3; withdrew the motion to concur and nonconcurred in Senate Amendments Nos. 1, 2 and 3.

BURNEY T. DURHAM,
Chief Clerk.

House Bill No. 2209 -- Criminal Offenses -- Imposes additional fines on persons convicted of drug offenses; additional fines allotted to counties with high incidents of methamphetamine prosecutions for investigation and prosecution of such cases. Amends TCA Title 8, Chapter 7, Part 3 and Title 39, Chapter 17, Part 4.

Senator Kilby moved to lift from the table a motion to reconsider on **House Bill No. 2209**, which motion prevailed.

Senator Kilby moved that the Senate reconsider its action in passing **House Bill No. 2209**, which motion prevailed.

Senator Kilby moved that the Senate reconsider its action in adopting Amendment No. 3 to **House Bill No. 2209**, which motion prevailed.

Senator Kilby moved that Amendment No. 3 to **House Bill No. 2209** be withdrawn, which motion prevailed.

Senator Kilby moved that the Senate reconsider its action in adopting Amendment No. 2 to **House Bill No. 2209**, which motion prevailed.

Senator Kilby moved that Amendment No. 2 to **House Bill No. 2209** be withdrawn, which motion prevailed.

Senator Kilby moved that the Senate reconsider its action in adopting Amendment No. 1 to **House Bill No. 2209**, which motion prevailed.

Senator Kilby moved that Amendment No. 1 to **House Bill No. 2209** be withdrawn, which motion prevailed.

Senator Kilby moved to amend as follows:

AMENDMENT NO. 5

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-417(c), is amended by adding the language "or methamphetamine" after the word "cocaine" wherever it appears.

SECTION 2. Tennessee Code Annotated, Section 39-17-417(i)(10), is amended by deleting the language "One hundred (100)" and substituting in its place the language "Twenty-six (26)".

SECTION 3. Tennessee Code Annotated, Section 39-17-417(j)(10), is amended by deleting the language "One thousand (1,000)" and substituting in its place the language "Three hundred (300)".

SECTION 4. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding the following language as a new section:

§ 39-17-434. (a) It is an offense for a person to possess, whether acquired through theft or other means, any substance, with the intent to:

(1) Use such substance in the manufacture of a Schedule I or Schedule II controlled substance; or

(2) To knowingly convey such substance to another for use in the manufacture of a Schedule I or Schedule II controlled substance.

(b) In determining whether a particular substance is possessed with the intent required to violate subsections (a)(1) and (2), of this section, the court or other authority making such a determination shall, in addition to all other logically relevant factors, consider the following:

(1) Statements by the owner or anyone in control of the substances concerning its use;

(2) Prior convictions, if any, of the owner or of anyone in control of the substance for violation of any state or federal law relating to the sale or manufacture of controlled substances;

(3) Instructions or descriptive materials of any kind accompanying the substance or found in the owner or controlling person's possession concerning, explaining, or depicting its use;

(4) The manner in which the substance is displayed or offered for sale;

(5) The quantity and location of the substance considered in relation to the existence and scope of legitimate uses for the substances in the community; and

(6) Expert testimony concerning the substance's use.

(c) This section shall not apply where possession was by a person authorized by this part and Title 53, Chapter 11, Parts 3 and 4, to dispense, prescribe, manufacture or possess the controlled substance in question.

(d) Violation of this section is a Class E felony.

SECTION 5. This act shall take effect July 1, 2004, the public welfare requiring it.

Pursuant to Rule 39(3), Amendment No. 5 was adopted by the following vote:

Ayes	26
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--26.

Thereupon, **House Bill No. 2209**, as amended, passed its third and final consideration by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

NOTICE

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2688. The House nonconcurred in Senate Amendment No. 1.

BURNEY T. DURHAM,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2688 -- Education, Higher -- Clarifies that recipient of Hope scholarships or other lottery funded awards will continue to be eligible for educational assistance benefits provided to children of POWs, MIAs, and combat-related deaths. Amends TCA Title 49, Chapter 4, Part 9 and Section 49-7-102.

Senator Crowe moved that the Senate refuse to recede from its action in adopting Senate Amendment No. 1 to **House Bill No. 2688**, which motion prevailed by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

SENATE MESSAGE CALENDAR NO. 2

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
SENATE BILL NO. 3057/HOUSE BILL NO. 2543**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 2543 (Senate Bill No. 3057) has met and recommends that all of the amendments be deleted.

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-6-413(b)(2), is amended by deleting the following language:

when both applicants provide the county clerk with an affidavit or valid driver license establishing that they are not Tennessee residents or

and by substituting instead the following language:

, in any county having a municipality defined as a premier type tourist resort pursuant to § 67-6-103(a)(3)(B) when both applicants provide the county clerk with an affidavit or valid driver license establishing that they are not Tennessee residents, or

SECTION 2. Tennessee Code Annotated, Section 36-6-413(b)(2)(E), is amended by deleting the language "One dollar and twenty-five cents (\$1.25)" and by substituting instead the language "Three dollars (\$3.00)".

SECTION 3. Tennessee Code Annotated, Section 36-6-413(b)(2), is amended by deleting item (H) in its entirety.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

/s/ Senator Doug Jackson
/s/ Senator Tim Burchett
/s/ Senator Tommy Kilby

/s/ Representative Joe Fowlkes
/s/ Representative Mark Maddox
/s/ Representative Joe McCord

Senator Jackson moved that the Conference Committee Report on **Senate Bill No. 3057/House Bill No. 2543** be adopted and made the action of the Senate.

Senator Kyle moved for the previous question on **Senate Bill No. 3057**, which motion prevailed.

Senator Jackson moved that the Conference Committee Report on **Senate Bill No. 3057/House Bill No. 2543** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 17
Noes 8

Senators voting aye were: Burchett, Burks, Clabough, Cooper, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McNally, Person, Ramsey and Trail--17.

Senators voting no were: Atchley, Bryson, Crutchfield, Fowler, McLeary, Miller, Norris and Williams--8.

A motion to reconsider was tabled.

NOTICE

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2156. The House adopted the Conference Committee Report and made it the action of the House.

BURNEY T. DURHAM,
Chief Clerk.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 2156/SENATE BILL NO. 2092**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 2156 (Senate Bill No. 2092) has met and recommends that all Senate and House amendments be deleted:

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-51-115(g)(3), is amended by deleting the word "annually".

SECTION 2. Tennessee Code Annotated, Section 4-51-111(b), is amended by deleting the first sentence of subdivision (2) and by substituting instead the following:

On or before the fifteenth day of the first month of each quarter, the corporation shall transfer to the state treasury, for credit to the lottery for education account, an amount representing an estimate of the net lottery proceeds for the immediately preceding quarter. Any additional transfers required to reconcile the amount of the net lottery proceeds transferred on the fifteenth day of the month shall be completed by the last business day of the month following the end of the quarter.

SECTION 3. Tennessee Code Annotated, Section 4-51-115(f)(2)(B), is amended by deleting the language "any felony involving gambling or any misdemeanor involving" and by substituting instead the language "any criminal offense involving".

SECTION 4. Tennessee Code Annotated, Section 4-51-123(c), is amended by deleting subdivision (4)(A) and by substituting instead the following:

(A) A holder of a winning cash ticket or share from any lottery game conducted by a drawing shall claim a cash prize within one hundred eighty (180) days after the drawing in which the cash prize was won or the end of the game as determined by the corporation, whichever is later. If a multistate or multisovereign lottery game requires, by rule or regulation, a period of time less than one hundred eighty (180) days for redemption of a winning ticket, such period shall apply for that lottery game.

SECTION 5. Tennessee Code Annotated, Title 4, Chapter 51, Part 1, is amended by adding the following as a new, appropriately designated section:

4-51-1____. The Tennessee Education Lottery Corporation shall formulate and implement a plan, in cooperation with the Tennessee Bureau of Investigation, for the Tennessee lottery's participation in the state's AMBER ALERT program via on-line lottery ticket terminals and all other appropriate media and technology at the corporation's disposal. The Tennessee Education Lottery Corporation shall report its progress in implementing the state's AMBER ALERT network within the framework of the Tennessee lottery to the general assembly no later than February 1, 2005.

SECTION 6. Tennessee Code Annotated, Section 4-51-113(g), is amended by deleting the language "contract may pay" and by substituting instead the language "contract, or an officer, director or employee of such vendor or applicant, or a member of such officer's, director's or employee's immediate family residing in the same household, shall pay".

SECTION 7. Tennessee Code Annotated, Section 4-51-124, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) All records and information in the possession of the corporation are open for inspection by members of the public unless otherwise provided by state law. The following records or information in the possession of the corporation shall be treated as confidential and shall be exempt from the provisions of § 10-7-503:

(1) Trade secrets, as such term is defined in § 47-25-1702;

(2) Security measures, systems, or procedures;

(3) Security reports;

(4) Proposals received pursuant to personal service, professional service, and consultant service contract regulations, and related records, including evaluations and memoranda; provided, that such information shall be available for public inspection after the completion of evaluation of such proposals by the corporation. Sealed bids for the purchase of goods and services, and leases of real property, and individual purchase records, including evaluations and memoranda relating to such bids; provided, that such information shall be available for public inspection after the completion of evaluation of such bids by the corporation. Internal audit reviews of the corporation including any documentation and memoranda relating to such audits; provided, that such information shall be available for public inspection after finalization of such audits by the corporation;

(5)(A) The following records or information of an employee of the corporation in the possession of the corporation in its capacity as an employer shall be treated as confidential and shall not be open for inspection by members of the public: unpublished telephone numbers; bank account information; social security number; driver license information except where driving or operating a vehicle is part of the employee's job description or job duties or incidental to the

performance of the employee's job; and the same information of immediate family members or household members;

(B) Information made confidential by this subdivision shall be redacted wherever possible and nothing in this subdivision shall be used to limit or deny access to otherwise public information because a file, a document, or data file contains confidential information;

(C) Nothing in this subdivision shall be construed to limit access to these records by law enforcement agencies, courts, or other governmental agencies performing official functions;

(D) Nothing in this subdivision shall be construed to close any personnel records of an employee of the corporation which are currently open under state law;

(E) Nothing in this subdivision shall be construed to limit access to information made confidential under this subdivision, when the employee expressly authorizes the release of such information;

(6) Information obtained pursuant to investigations which is otherwise confidential;

(7) Identifying information obtained from prize winners, including, but not limited to, home and work addresses, telephone numbers, social security numbers, and any other information that could reasonably be used to locate the whereabouts of an individual; provided, that:

(A) The corporation shall disclose any relevant information to a claimant agency pursuant to Part 2 of this chapter necessary to establish or enforce a claim against a debtor as defined in Part 2 of this chapter;

(B) The corporation may disclose a lottery prize winner's name, home state, hometown, and, if authorized by the prize winner, any other information for marketing, advertising, or promotional purposes; and

(C) The corporation shall disclose any information not subject to the provisions of subdivisions (1)-(4) or (6), that is otherwise necessary to assist any federal, state, or local entity in the performance of its statutory or regulatory duties;

(8) Medical records or medical information of an employee of the corporation, and medical records or information of family members of an employee of the corporation, in possession of the corporation shall be treated as confidential and shall not be open for inspection by members of the public;

(9) All information relative to the hiring or retention of the chief executive officer or president;

(10) All information relative to prospective lottery games and security and other sensitive information relative to current lottery games; and

(11) Any information concerning lottery sales made by lottery retailers unless otherwise provided by law.

Meetings of the corporation shall be open to the public pursuant to Title 8, Chapter 44, Part 1; provided, that portions of meetings devoted to discussing information deemed confidential pursuant to this section or deemed confidential pursuant to the provisions of Title 10, Chapter 7, Part 5, are exempt from the provisions of Title 8, Chapter 44, Part 1.

SECTION 8. Sections 1, 2, 5, 6 and 7 of this act shall take effect upon becoming a law, the public welfare requiring it. Section 3 of this act shall take effect upon becoming a law, the public welfare requiring it, and shall only apply to lottery retailer applications submitted, and lottery retailer contracts entered into, on and after such date. Section 4 of this act shall take effect July 1, 2004, the public welfare requiring it, and shall only apply to tickets or shares sold on and after such date.

/s/ Senator James Bryson
/s/ Senator Stephen Cohen
/s/ Senator Jerry Cooper
/s/ Senator Jo Ann Graves
/s/ Senator Randy McNally

/s/ Representative Tommie F. Brown
/s/ Representative Jamie Hagood
/s/ Representative Kim McMillan
/s/ Representative Chris Newton
/s/ Representative Larry Turner

Senator Bryson moved that the Conference Committee Report on **House Bill No. 2156/Senate Bill No. 2092** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 26
Noes 0

Senators voting aye were: Atchley, Bryson, Burks, Cooper, Crowe, Crutchfield, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--26.

A motion to reconsider was tabled.

NOTICE

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2134. The House adopted the Conference Committee Report and made it the action of the House.

BURNEY T. DURHAM,
Chief Clerk.

**REPORT OF SELECT COMMITTEE
CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 2134/SENATE BILL NO. 2114**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 2134 (Senate Bill No. 2114) has met and recommends that all amendments be deleted:

The Committee further recommends that the following amendment be adopted:

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-4-902(6), is amended by deleting the subdivision in its entirety and substituting instead the following:

(6) "Continuous enrollment" means a student is enrolled in the fall and spring semesters of a single academic year. Enrollment in summer semester or inter-session terms is not required.

SECTION 2. Tennessee Code Annotated, Section 49-4-902(7), is amended by deleting the word "or" at the end of subdivision (A), deleting subdivision (B) and substituting instead the following subdivisions:

(B) A private secondary school that is located in Tennessee and:

(i) Is approved by the state board of education as a Category 1, 2 or 3 secondary school in accordance with the applicable rules and regulations; or

(ii) Is a candidate for full accreditation status by an accrediting agency approved by the state board of education on the effective date of this act; provided that a candidate for full accreditation status shall be considered an eligible high school only for the purpose of application for Tennessee HOPE scholarships for the 2004-2005 school year by students who graduated from such secondary school after January 1, 2003, but prior to December 1, 2004.

(C) A secondary school operated by the United States Department of Defense on a military base that is located in whole or in part in Tennessee;

(D) An out-of-state public secondary school located in a county bordering Tennessee that Tennessee residents are authorized to attend under § 49-6-3108; or

(E) An out-of-state boarding school accredited by a regional accrediting association that is attended by a bona fide Tennessee resident.

SECTION 3. (a) Tennessee Code Annotated, Section 49-4-905(b), is amended by deleting the language "graduated from a Tennessee high school," and by substituting instead the language "graduated from an eligible high school, graduated from a high school located in Tennessee that is not an eligible high school,".

(b) Tennessee Code Annotated, Section 49-4-905(b), is further amended by deleting the date "January 1, 2004" and by substituting instead the date "December 1, 2003".

SECTION 4. Tennessee Code Annotated, Section 49-4-905, is amended by redesignating the present subsection (b) to be subdivision (b)(2) and by adding a new subdivision (b)(1) as follows:

(1) Notwithstanding anything in this part to the contrary, any person who, after December 1, 2003, enrolled in an eligible postsecondary institution in lieu of graduating from an eligible high school, and is otherwise qualified, shall be eligible for a Tennessee HOPE scholarship.

SECTION 5. Tennessee Code Annotated, Section 49-4-905, is amended by deleting subsection (c) in its entirety.

SECTION 6. Tennessee Code Annotated, Section 49-4-907, is amended by deleting the date "January 1, 2004" and by substituting instead the date "December 1, 2003".

SECTION 7. Tennessee Code Annotated, Section 49-4-907(2), is amended by deleting the subdivision in its entirety and substituting instead the following:

(2) Be admitted to and enroll in an eligible postsecondary institution no later than the fall semester immediately following graduating from high school; and

SECTION 8. Tennessee Code Annotated, Section 49-4-908, is amended by deleting the date "January 1, 2004" wherever it appears and by substituting instead the date "December 1, 2003".

SECTION 9. Tennessee Code Annotated, Section 49-4-908(3), is amended by deleting the subdivision in its entirety and substituting instead the following:

(3) Be admitted to and enroll in an eligible postsecondary institution no later than the fall semester immediately following completing high school in a Tennessee home school program, obtaining a GED, or graduating from high school.

SECTION 10. Tennessee Code Annotated, Section 49-4-908(2)(A), is amended by deleting the number "23" and by substituting instead the number "21" and by deleting the number "1060" and by substituting instead the number "980".

SECTION 11. (a) Tennessee Code Annotated, Section 49-4-907(3)(B), is amended by deleting the number "19" and by substituting instead the number "21" and by deleting the number "890" and by substituting instead the number "980".

(b) Tennessee Code Annotated, Section 49-4-908(2)(B), is amended by deleting the number "19" and by substituting instead the number "21" and by deleting the number "890" and by substituting instead the number "980".

SECTION 12. (a) Tennessee Code Annotated, Section 49-4-909(a), is amended by deleting the date "January 1, 2004" and by substituting instead the date "December 1, 2003".

(b) Tennessee Code Annotated, Section 49-4-909(a), is further amended by deleting the language "who graduates from a Tennessee high school," and by substituting instead the language "who graduates from an eligible high school, who graduates from a high school located in Tennessee that is not an eligible high school,".

SECTION 13. Tennessee Code Annotated, Section 49-4-911, is amended by redesignating present subsection (b) to be subsection (c) and by adding a new subsection (b) as follows:

(b) A student enrolled in an undergraduate degree program required to be more than one hundred twenty (120) semester hours in length shall achieve a cumulative grade point average of 3.0 at the end of the semester in which the student has attempted one hundred twenty (120) semester hours to continue to receive the scholarship.

SECTION 14. Tennessee Code Annotated, Section 49-4-916, is amended by deleting the date "January 1, 2004" wherever it appears and by substituting instead the date "December 1, 2003".

SECTION 15. Tennessee Code Annotated, Section 49-4-918(a), is amended by deleting the language "graduates from a Tennessee high school," and by substituting instead the language "graduates from an eligible high school, graduates from a high school located in Tennessee that is not an eligible high school,".

SECTION 16. Tennessee Code Annotated, Section 49-4-920(a)(4), is amended by deleting the date "January 1, 2004" and by substituting instead the date "December 1, 2003".

SECTION 17. Tennessee Code Annotated, Section 49-4-922, is amended by deleting the words "under this part".

SECTION 18. Tennessee Code Annotated, Title 49, Chapter 4, Part 9, is amended by adding the following as a new section:

§ 49-4-926. (a) Notwithstanding any provision of this part to the contrary, a student who is a Tennessee citizen and a dependent child of a member of the Armed Forces or the Tennessee National Guard engaged in active military service of the United States shall be eligible for a Tennessee HOPE scholarship as an entering freshman, if such student meets all eligibility requirements for such scholarship except that, while the parent was stationed on active military duty outside of Tennessee, the student did not reside in Tennessee for one (1) year immediately preceding the date of application for financial assistance and the student did not graduate from an eligible high school as defined in § 49-4-902(7), graduate from a Tennessee high school that is not an eligible high school, complete high school in a Tennessee home school program, or obtain a GED from a state-approved institution or organization. If such student graduated from a high school outside of Tennessee, then such high school shall be considered an eligible high school for purposes of determining the student's eligibility for a scholarship, if the school was operated by the government of the United States, accredited by the appropriate regional accrediting association for the state in which the school is located, or accredited by an accrediting association recognized by the foreign nation in which the school is

located. If such student graduated from a high school outside of Tennessee that does not meet the requirements of this section to be considered an eligible high school, completed high school in a home school program, or obtained a GED, then such student shall meet the eligibility requirements for Tennessee HOPE scholarships for students graduating from Tennessee high schools that are not eligible high schools.

(b) As used in this section:

(1) "Dependent child" means a natural or adopted child or stepchild whom such parent claims as a dependent for federal income tax purposes; provided that such child is under twenty-one (21) years of age and resides in another state or nation only while such student's parent is engaged in active military service of the United States or on full-time National Guard duty; and

(2) "Tennessee National Guard" means any federally recognized unit of the Tennessee Army and Air National Guard.

(c) This section shall apply only to dependent children of members of the Armed Forces or Tennessee National Guard whose home of record at the time of entry into military service was determined to be Tennessee.

SECTION 19. Tennessee Code Annotated, Section 49-4-907(3)(A)(i) is amended by deleting the word "and" at the end of the subdivision and replacing it with the word "or".

SECTION 20. Tennessee Code Annotated, Section 49-4-907(3)(A)(ii), is amended by deleting the subdivision in its entirety.

SECTION 21. Tennessee Code Annotated, Section 49-4-916(a)(3), is amended by deleting the subdivision in its entirety and by renumbering the subsequent subdivisions accordingly.

SECTION 22. Tennessee Code Annotated, Section 49-4-916(d)(1)(A), is amended by adding the word "and" at the end of the subdivision.

SECTION 23. Tennessee Code Annotated, Section 49-4-916(d)(1)(B), is amended by deleting the subdivision in its entirety and by renumbering the subsequent subdivision accordingly.

SECTION 24. Tennessee Code Annotated, Section 49-4-920(a)(5), is amended by adding the word "and" at the end of the subdivision.

SECTION 25. Tennessee Code Annotated, Section 49-4-920(a)(6), is amended by deleting the subdivision in its entirety and by renumbering the subsequent subdivision accordingly.

SECTION 26. Tennessee Code Annotated, Section 49-4-902, is amended by adding the following as a new subdivision (32) and renumbering the subsequent subdivisions accordingly:

(32) Weighted grade point average means grade point average on a 4.0 scale calculated with additional points awarded for advanced placement, honors, or other similar courses.

SECTION 27. Tennessee Code Annotated, Section 49-4-916(a)(2), is amended by deleting the word "unweighted" and by substituting instead the word "weighted".

SECTION 28. Tennessee Code Annotated, Section 49-4-916(d)(1)(A), is amended by deleting the word "unweighted" and by substituting instead the word "weighted".

SECTION 29. (a) There is created a special joint committee to study the manner in which financial assistance shall be provided from net lottery proceeds of the state lottery established pursuant to Article XI, Section 5 of the Constitution of Tennessee to citizens of this state to enable such citizens to attend postsecondary institutions located within this state.

(b) The committee shall consist of four (4) members of the House of Representatives and four (4) members of the Senate. The Chair and Vice-Chair of the Education Committee of the House of Representatives and the Chair of the Education Committee of the Senate shall serve on the committee. The Speaker of the House shall appoint the remaining House members of the committee and the Speaker of the Senate shall appoint the remaining Senate members of the committee.

(c) All appropriate state agencies shall provide assistance to the special joint committee.

(d) The special joint committee shall be convened by the Chair of the Education Committee of the House of Representatives and Chair of the Education Committee of the Senate; and the chairs shall serve as co-chairs of the committee.

(e) The committee shall review and study the manner in which financial assistance is provided from lottery proceeds under Title 49, Chapter 4, Part 9, to citizens of this state to enable such citizens to attend postsecondary institutions located within this state. The committee shall specifically study the efficacy of postsecondary financial assistance as presently provided under Title 49, Chapter 4, Part 9, in increasing postsecondary educational opportunities for Tennessee citizens and the ability of such citizens to maintain such financial assistance as postsecondary students. The committee shall study the viability of the continuation of financial assistance as presently provided under Title 49, Chapter 4, Part 9, in relationship to the net lottery proceeds produced or projected to be produced by the state lottery.

(f) The committee shall review and study any alternative plans for postsecondary financial assistance from net lottery proceeds for citizens of this state proposed by members of the general assembly.

(g) The committee shall study and consider development of a program of postsecondary financial assistance from net lottery proceeds to be used upon graduation from high school by students enrolled in elementary or secondary enrichment and support programs that presently exist and are funded from federal, state, local, or private funds. Such enrichment and support programs should

encourage students, particularly at-risk students, to obtain the academic excellence and skills necessary to succeed in postsecondary education.

(h) The committee shall report by January 15, 2005, to the 104th General Assembly, its conclusions and any recommendations for modifications or changes that should be made in the manner in which financial assistance is provided from lottery proceeds to citizens of this state to enable such citizens to attend postsecondary institutions located within this state.

(i) The committee shall report by January 15, 2006, to the 104th General Assembly, any additional conclusions concerning postsecondary financial assistance from lottery proceeds to citizens of this state, specifically any conclusions concerning the effectiveness of financial assistance as presently provided under Title 49, Chapter 4, Part 9, as shown by scholarship retention and other measures of student success, at which time the committee shall cease to exist.

SECTION 30. (a) Sections 11, 26, 27, and 28 of this act shall take effect December 1, 2004, the public welfare requiring it, and shall apply to students seeking financial assistance from lottery proceeds for the 2005-2006 school year and thereafter.

(b) All other sections of this act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to students seeking financial assistance from lottery proceeds for the 2004-2005 school year and thereafter.

/s/ Senator Steve Cohen
/s/ Senator Jim Bryson
/s/ Senator Jerry Cooper
/s/ Senator Jo Ann Graves
/s/ Senator Randy McNally

/s/ Representative Chris Newton
/s/ Representative Tommie Brown
/s/ Representative Jamie Hagood
/s/ Representative Kim McMillan
Representative Larry Turner

Senator Bryson moved that the Conference Committee Report on **House Bill No. 2134/Senate Bill No. 2114** be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 24
Noes 2

Senators voting aye were: Atchley, Bryson, Burchett, Cooper, Crowe, Crutchfield, Fowler, Graves, Haynes, Henry, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--24.

Senators voting no were: Harper and Herron--2.

A motion to reconsider was tabled.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Haynes as Speaker pro tempore.

MOTION

Senator Atchley moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 1209**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 1209 -- General Assembly, Adjournment -- Adjourns the 103rd General Assembly sine die on May 21, 2004.

On motion of Senator Atchley, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 1209** was adopted by the following vote:

Ayes	26
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Cooper, Crowe, Crutchfield, Fowler, Graves, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail and Williams--26.

A motion to reconsider was tabled.

MR. SPEAKER WILDER RESUMES CHAIR

Mr. Speaker Wilder resumed the Chair.

MOTION

Senator Crutchfield moved that a committee be appointed by the Speaker to notify the House that the Senate had completed its business and was ready to adjourn, which motion prevailed.

Senator Crutchfield moved that a committee be appointed by the Speaker to notify the Governor that the Senate had completed its business and was ready to adjourn, which motion prevailed.

APPOINTMENT OF SELECT COMMITTEES

The Speaker announced the appointments of Senators Kurita, Chairperson; Dixon, Herron, Person, Ramsey and Williams to notify the House that the Senate had completed its business and was ready to adjourn.

The Speaker announced the appointments of Senators Burchett, Chairperson; Clabough, Harper, Kilby, McLeary and Norris to notify the Governor that the Senate had completed its business and was ready to adjourn.

RECESS

The Senate stood in recess pending the Reports from the two committees.

CALL TO ORDER

The Senate was called to order by Mr. Speaker Wilder.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

REPORT OF SELECT COMMITTEES

Senator Kurita advised the Senate that the House had been notified that the Senate had completed its business and was ready to adjourn.

Senator Burchett advised the Senate that the Governor had been notified that the Senate had completed its business and was ready to adjourn.

MESSAGE FROM THE HOUSE

May 21, 2003

MR. SPEAKER: I am directed by the House to notify the Senate that the House has completed its business and is ready to adjourn sine die in accordance with Senate Joint Resolution No. 1209.

BURNEY T. DURHAM,
Chief Clerk.

MOTION

On motion, all Senators' names were added as sponsors of **House Joint Resolutions Nos. 1009, 1088 and 1197; Senate Resolution No. 272; Senate Joint Resolution No. 1208; and Senate Bill No. 2617.**

On motion of Senator Cooper, his name was added as sponsor of **House Joint Resolution No. 977 and Senate Bill No. 905.**

On motion of Senator Cohen, his name was added as sponsor of **Senate Joint Resolution No. 1205; and Senate Bills Nos. 2975 and 3295.**

On motion of Senator Harper, her name was added as sponsor of **House Joint Resolutions Nos. 740, 953, 1050 and 1295.**

On motion of Senator Graves, her name was added as sponsor of **House Joint Resolutions Nos. 740 and 1050.**

On motion of Senator Crutchfield, Mr. Speaker Wilder and Senator McLeary, their names were added as sponsors of **Senate Joint Resolution No. 1205.**

On motion of Senator Kyle, his name was added as sponsor of **House Joint Resolutions Nos. 1047 and 1316; and Senate Joint Resolution No. 1205.**

On motion of Senator Dixon, his name was added as sponsor of **House Joint Resolutions Nos. 740, 953, 1047, 1316, 1317 and 1320; and Senate Joint Resolution No. 1062.**

On motion of Senators Henry, Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder, their names were added as sponsors of **House Joint Resolutions Nos. 1321, 1322, 1323, 1324, 1325, 1326, 1327 and 1328.**

On motion of Senator Trail, his name was added as sponsor of **House Joint Resolution No. 977.**

On motion of Senator Kilby, his name was added as sponsor of **House Joint Resolutions Nos. 1012 and 1013.**

On motion of Senator Burchett, his name was added as sponsor of **House Joint Resolution No. 1013.**

On motion of Senator Burks, her name was added as sponsor of **House Joint Resolutions Nos. 1318 and 1319.**

ENGROSSED BILLS

May 21, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 936, 1205 and 1207; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 21, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 1208, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 21, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 1209, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 3621 and 3623, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 1315, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1321, 1322, 1323, 1324, 1325, 1326 and 1328; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 1327, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 1329, adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to return Senate Bill No. 2329. The House adopted the Conference Committee Report and made it the action of the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2915. The House adopted the Conference Committee Report and made it the action of the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3057. The House adopted the Conference Committee Report and made it the action of the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3277, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3456, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3193. The House lifted the tabling motion to reconsider its action on Senate Bill No. 3193. The House reconsidered Senate Bill No. 3193; reconsidered Amendments Nos. 1 and 2; withdrew Amendments Nos. 1 and 2 and repassed Senate Bill No. 3193.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 429 and 3434, substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 1209, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 802 and 1206, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 21, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 1205, 1207 and 1208; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

May 21, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 176, 1337, 1681, 2072, 2137, 2180, 2392, 2419, 2479, 2480, 2571, 2594, 2645, 2850, 2951, 2992, 3045, 3066, 3100, 3115, 3137, 3189, 3288, 3305, 3320, 3336 and 3517; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

SIGNED

May 21, 2004

The Speaker announced that he had signed the following: Senate Bills Nos. 176, 1337, 1681, 2072, 2137, 2180, 2392, 2419, 2479, 2480, 2571, 2594, 2645, 2850, 2951, 2992, 3045, 3066, 3100, 3115, 3137, 3189, 3288, 3305, 3320, 3336 and 3517.

SIGNED

May 21, 2004

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 625, 773, 837, 870, 890, 926, 930, 940, 957, 978, 1006, 1137, 1198, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1284, 1285 and 1286.

REPORT OF CHIEF ENGROSSING CLERK

May 21, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 672, 1147, 1148, 1151, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1176, 1177 and 1181; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

May 21, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1142, 1143, 1178 and 1188; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

MOTION TO APPROVE THE JOURNAL

Senator Crutchfield moved that the Senate Journal of the proceedings from the Forty-Eighth Legislative Day through the Ninety-Second Legislative Day of the Second Regular Session of the One Hundred Third General Assembly be approved, which motion prevailed.

ADJOURNMENT

Thereupon, in accordance with **Senate Joint Resolution No. 1209**, Mr. Speaker Wilder declared the Senate of the Second Regular Session of the One Hundred Third General Assembly adjourned sine die.

John S. Wilder
Speaker of the Senate

Attest: Russell A. Humphrey
Chief Clerk of the Senate

All bills and joint resolutions presented to the Governor subsequent to May 10, 2004, for his actions, being within ten days of the adjournment of the Second Regular Session of the One Hundred Third General Assembly, prevents the return of said bills to the Senate within the ten day period, and accordingly, the final action taken by the Governor will be filed by him in the Secretary of State's Office, all in compliance with Article III, Section 18, relating to the Governor's Veto Power of the Constitution of Tennessee.

**BILLS AND RESOLUTIONS ENROLLED, SIGNED AND
TRANSMITTED TO GOVERNOR, SUBSEQUENT TO ADJOURNMENT**

ENROLLED BILLS

May 24, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 217, 266, 267, 268, 270, 271, 272 and 273; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

May 24, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 682, 802, 1180, 1182, 1183, 1184, 1187, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208 and 1209; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

May 24, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 1303, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 24, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 740, 776, 792, 953, 977, 1009, 1012, 1013, 1047, 1050, 1062, 1078, 1088, 1197, 1203, 1287, 1288,

FRIDAY, MAY 21, 2004 – 92ND LEGISLATIVE DAY

1289, 1290, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315 and 1316; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 24, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328 and 1329; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

May 24, 2004

The Speaker announced that he had signed the following: House Joint Resolution No. 1303.

SIGNED

May 24, 2004

The Speaker announced that he had signed the following: Senate Resolutions Nos. 217, 266, 267, 268, 270, 271, 272 and 273.

SIGNED

May 24, 2004

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 682, 802, 1180, 1182, 1183, 1184, 1187, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208 and 1209.

SIGNED

May 24, 2004

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 740, 776, 792, 953, 977, 1009, 1012, 1013, 1047, 1050, 1062, 1078, 1088, 1197, 1203, 1287, 1288, 1289, 1290, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328 and 1329.

MESSAGE FROM THE HOUSE

May 24, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 176, 1337, 1681, 2072, 2137, 2180, 2392, 2419, 2479, 2480, 2571, 2594, 2645, 2850, 2951, 2992, 3045, 3066, 3100, 3115, 3137, 3189, 3288, 3305, 3517, 3320 and 3336; and Senate Joint Resolutions Nos. 682, 802,

FRIDAY, MAY 21, 2004 – 92ND LEGISLATIVE DAY

1180, 1182, 1183, 1184, 1187, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208 and 1209; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE GOVERNOR
May 24, 2004

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 823 and 2325, with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR
May 24, 2004

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 243, 990, 2063, 2077, 2080, 2122, 2300, 2365, 2409, 2468, 2667, 2931, 3120, 3139, 3177, 3285, 3358, 3455 and 3506; and Senate Joint Resolutions Nos. 672, 1147, 1148, 1151, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1176, 1177 and 1181; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

REPORT OF CHIEF ENGROSSING CLERK
May 25, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 176, 1337, 1681, 2072, 2137, 2180, 2392, 2419, 2479, 2480, 2571, 2594, 2645, 2850, 2951, 2992, 3045, 3066, 3100, 3115, 3137, 3189, 3288, 3305, 3320, 3336 and 3517; and Senate Joint Resolutions Nos. 682, 802, 1180, 1182, 1183, 1184, 1187, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208 and 1209; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE
May 25, 2004

MR. SPEAKER: In accordance with the provisions of the "Tennessee Charitable Gaming Implementation Law" as set out in Chapter 476 of the Public Acts of 2004 I have transmitted to the Secretary of State and to each District Attorney General of the state a copy of House Resolution No. 448 which is the resolution passed by the Tennessee House of Representatives authorizing certain charitable gaming events. Also transmitted was the Report that the Senate adopted with respect to the same matter.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

May 26, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 374, 555, 596, 601, 2152, 2329, 2722, 2860, 2915, 2916, 3057, 3102, 3158, 3193, 3277, 3291, 3295 and 3454; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

May 26, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 189, 235, 724, 1065, 1093, 1302, 1433, 2134, 2156, 2166, 2196, 2209, 2249, 2274, 2350, 2354, 2512, 2565, 2581, 2639, 2644, 2672, 2674, 2688, 2861, 2865, 2960, 2978, 3104, 3186, 3319, 3336, 3337, 3399, 3423, 3429, 3456, 3467, 3468, 3483, 3511, 3545 and 3607; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 26, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 64, 76, 110, 131, 245, 433, 779, 821, 1049, 1175, 1202, 1275, 1364, 1524, 1972, 2160, 2276, 2285, 2336, 2352, 2356, 2385, 2392, 2519, 2546, 2554, 2612, 2614, 2629, 2652, 2659, 2700, 2739, 2742, 2762, 2813, 2831, 2853, 2859, 2867, 2931, 2959, 3005, 3008, 3017, 3067, 3098, 3128, 3132, 3146, 3169, 3175, 3182, 3203, 3211, 3216, 3252, 3291, 3363, 3394, 3400, 3403, 3406, 3411, 3427, 3449, 3453, 3458, 3471, 3496, 3498 and 3503; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 26, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 3514, 3526, 3527, 3591, 3601, 3603, 3606, 3610, 3611, 3613, 3619 and 3621; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 26, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 990, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

May 26, 2004

The Speaker announced that he had signed the following: House Bills Nos. 189, 235, 724, 1065, 1093, 1302, 1433, 2134, 2156, 2166, 2196, 2209, 2249, 2274, 2350, 2354, 2512, 2565, 2581, 2639, 2644, 2672, 2674, 2688, 2861, 2865, 2960, 2978, 3104, 3186, 3319, 3336, 3337, 3399, 3423, 3429, 3456, 3467, 3468, 3483, 3511, 3545 and 3607.

SIGNED

May 26, 2004

The Speaker announced that he had signed the following: House Bills Nos. 64, 76, 110, 131, 245, 433, 779, 821, 1049, 1175, 1202, 1275, 1364, 1524, 1972, 2160, 2276, 2285, 2336, 2352, 2356, 2385, 2392, 2519, 2546, 2554, 2612, 2614, 2629, 2652, 2659, 2700, 2739, 2742, 2762, 2813, 2831, 2853, 2859, 2867, 2931, 2959, 3005, 3008, 3017, 3067, 3098, 3128, 3132, 3146, 3169, 3175, 3182, 3203, 3211, 3216, 3252, 3291, 3363, 3394, 3400, 3403, 3406, 3411, 3427, 3449, 3453, 3458, 3471, 3496, 3498, 3503, 3514, 3526, 3527, 3591, 3601, 3603, 3606, 3610, 3611, 3613, 3619 and 3621.

SIGNED

May 26, 2004

The Speaker announced that he had signed the following: Senate Bills Nos. 374, 555, 596, 601, 2152, 2329, 2722, 2860, 2915, 2916, 3057, 3102, 3158, 3193, 3277, 3291, 3295 and 3454; and House Joint Resolution No. 990.

ENROLLED BILLS

May 27, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264 and 265; and find same correctly enrolled and ready for the signature of the Speaker.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

SIGNED

May 27, 2004

The Speaker announced that he had signed the following: Senate Resolutions Nos. 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264 and 265.

MESSAGE FROM THE GOVERNOR

May 27, 2004

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 682, 1180, 1182, 1183, 1184, 1187, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1201, 1202, 1203, 1204, 1205, 1207 and 1208; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

May 28, 2004

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 348, 1083, 3226 and 3430; and Senate Joint Resolutions Nos. 715, 802, 975, 1206 and 1209; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

ENROLLED BILLS

June 1, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 429, 3415, 3434 and 3456; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

June 2, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3531, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

June 2, 2004

The Speaker announced that he had signed the following: Senate Bills Nos. 429, 3415, 3434 and 3456.

MESSAGE FROM THE HOUSE

June 2, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 374, 555, 596, 601, 2152, 2329, 2722, 2860, 2915, 2916, 3057, 3102, 3158, 3193, 3277, 3291, 3295 and 3454; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE GOVERNOR

June 2, 2004

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 236, 2051, 2240, 2266, 2279, 2285, 2373, 2581 and 3170; without his signature.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

FRIDAY, MAY 21, 2004 -- 92ND LEGISLATIVE DAY

June 1, 2004

The Honorable John S. Wilder
Lieutenant Governor and Speaker of the Senate
1 Legislative Plaza
Nashville, TN 37243

Dear Governor Wilder:

I have allowed Senate Bills Nos. 236, 2051, 2240, 2266, 2279, 2285, 2373, 2581 and 3170, which provide for issuance of new specialty license plates, to become law without signature. In light of my position last year on Public Chapter 372, I am returning these bills unsigned. While each organization referenced in these bills is no doubt a worthy cause, this proliferation of plates illustrates the problem that I described last year. I continue to urge the legislature to reconsider the unrestrained growth of specialty license plates.

I look forward to our continued joint efforts for all of Tennessee.

Warmest regards,

/s/ Phil Bredesen

June 2, 2004

The Honorable Riley Darnell
Secretary of State
Nashville, Tennessee 37243

Dear Mr. Secretary of State:

The Governor received Senate Bill No. 236 on May 18, 2004, and returned the bill on June 2, 2004, without his signature. The Governor had the bill in his possession longer than ten (10) days, as provided for in Article III, Section 18 of the Constitution of the State of Tennessee. Therefore, Senate Bill No. 236 becomes law without the Governor's signature.

Sincerely,

/s/ Russell A. Humphrey
Chief Clerk of the Senate

June 2, 2004

The Honorable Riley Darnell
Secretary of State
Nashville, Tennessee 37243

Dear Mr. Secretary of State:

The Governor received Senate Bill No. 2051 on May 18, 2004, and returned the bill on June 2, 2004, without his signature. The Governor had the bill in his possession longer than ten (10) days,

FRIDAY, MAY 21, 2004 – 92ND LEGISLATIVE DAY

as provided for in Article III, Section 18 of the Constitution of the State of Tennessee. Therefore, Senate Bill No. 2051 becomes law without the Governor's signature.

Sincerely,

/s/ Russell A. Humphrey
Chief Clerk of the Senate

June 2, 2004

The Honorable Riley Darnell
Secretary of State
Nashville, Tennessee 37243

Dear Mr. Secretary of State:

The Governor received Senate Bill No. 2240 on May 18, 2004, and returned the bill on June 2, 2004, without his signature. The Governor had the bill in his possession longer than ten (10) days, as provided for in Article III, Section 18 of the Constitution of the State of Tennessee. Therefore, Senate Bill No. 2240 becomes law without the Governor's signature.

Sincerely,

/s/ Russell A. Humphrey
Chief Clerk of the Senate

June 2, 2004

The Honorable Riley Darnell
Secretary of State
Nashville, Tennessee 37243

Dear Mr. Secretary of State:

The Governor received Senate Bill No. 2266 on May 18, 2004, and returned the bill on June 2, 2004, without his signature. The Governor had the bill in his possession longer than ten (10) days, as provided for in Article III, Section 18 of the Constitution of the State of Tennessee. Therefore, Senate Bill No. 2266 becomes law without the Governor's signature.

Sincerely,

/s/ Russell A. Humphrey
Chief Clerk of the Senate

June 2, 2004

The Honorable Riley Darnell
Secretary of State
Nashville, Tennessee 37243

Dear Mr. Secretary of State:

FRIDAY, MAY 21, 2004 – 92ND LEGISLATIVE DAY

The Governor received Senate Bill No. 2279 on May 18, 2004, and returned the bill on June 2, 2004, without his signature. The Governor had the bill in his possession longer than ten (10) days,

FRIDAY, MAY 21, 2004 -- 92ND LEGISLATIVE DAY

as provided for in Article III, Section 18 of the Constitution of the State of Tennessee. Therefore, Senate Bill No. 2279 becomes law without the Governor's signature.

Sincerely,

/s/ Russell A. Humphrey
Chief Clerk of the Senate

June 2, 2004

The Honorable Riley Darnell
Secretary of State
Nashville, Tennessee 37243

Dear Mr. Secretary of State:

The Governor received Senate Bill No. 2285 on May 18, 2004, and returned the bill on June 2, 2004, without his signature. The Governor had the bill in his possession longer than ten (10) days, as provided for in Article III, Section 18 of the Constitution of the State of Tennessee. Therefore, Senate Bill No. 2285 becomes law without the Governor's signature.

Sincerely,

/s/ Russell A. Humphrey
Chief Clerk of the Senate

June 2, 2004

The Honorable Riley Darnell
Secretary of State
Nashville, Tennessee 37243

Dear Mr. Secretary of State:

The Governor received Senate Bill No. 2373 on May 18, 2004, and returned the bill on June 2, 2004, without his signature. The Governor had the bill in his possession longer than ten (10) days, as provided for in Article III, Section 18 of the Constitution of the State of Tennessee. Therefore, Senate Bill No. 2373 becomes law without the Governor's signature.

Sincerely,

/s/ Russell A. Humphrey
Chief Clerk of the Senate

June 2, 2004

The Honorable Riley Darnell
Secretary of State
Nashville, Tennessee 37243

Dear Mr. Secretary of State:

FRIDAY, MAY 21, 2004 – 92ND LEGISLATIVE DAY

The Governor received Senate Bill No. 2581 on May 18, 2004, and returned the bill on June 2, 2004, without his signature. The Governor had the bill in his possession longer than ten (10) days,

FRIDAY, MAY 21, 2004 -- 92ND LEGISLATIVE DAY

as provided for in Article III, Section 18 of the Constitution of the State of Tennessee. Therefore, Senate Bill No. 2581 becomes law without the Governor's signature.

Sincerely,

/s/ Russell A. Humphrey
Chief Clerk of the Senate

June 2, 2004

The Honorable Riley Darnell
Secretary of State
Nashville, Tennessee 37243

Dear Mr. Secretary of State:

The Governor received Senate Bill No. 3170 on May 18, 2004, and returned the bill on June 2, 2004, without his signature. The Governor had the bill in his possession longer than ten (10) days, as provided for in Article III, Section 18 of the Constitution of the State of Tennessee. Therefore, Senate Bill No. 3170 becomes law without the Governor's signature.

Sincerely,

/s/ Russell A. Humphrey
Chief Clerk of the Senate

REPORT OF CHIEF ENGROSSING CLERK

June 3, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 374, 555, 596, 601, 2152, 2329, 2722, 2860, 2915, 2916, 3057, 3102, 3158, 3193, 3277, 3291, 3295 and 3454; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

June 3, 2004

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 176, 1337, 1681, 2180, 2419, 2594 and 3189; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

June 3, 2004

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 2072, 2137, 2392, 2479, 2480, 2645, 2850, 3100, 3115, 3137, 3288, 3305, 3320, 3336 and 3517; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

FRIDAY, MAY 21, 2004 -- 92ND LEGISLATIVE DAY

SIGNED
June 4, 2004

The Speaker announced that he had signed the following: House Bill No. 3531.

MESSAGE FROM THE HOUSE
June 7, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 429, 3415, 3434 and 3456; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK
June 7, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 429, 3415, 3434 and 3456; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR
June 8, 2004

MR. SECRETARY OF STATE: I am directed by the Governor to return herewith: Senate Bills Nos. 2571, 2951, 2992, 3045 and 3066; without his signature.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

June 7, 2004

The Honorable John S. Wilder
Lieutenant Governor and Speaker of the Senate
1 Legislative Plaza
Nashville, TN 37243

Dear Governor Wilder:

I have allowed Senate Bills Nos. 2571, 2951, 2992, 3045 and 3066, which provide for issuance of new specialty license plates, to become law without signature, for the reasons stated in my letter to you of June 1, 2004.

Warmest regards,

/s/ Phil Bredesen

FRIDAY, MAY 21, 2004 -- 92ND LEGISLATIVE DAY

June 8, 2004

The Honorable Riley Darnell
Secretary of State
Nashville, Tennessee 37243

Dear Mr. Secretary of State:

The Governor received Senate Bill No. 2571 on May 25, 2004, and returned the bill on June 8, 2004, without his signature. The Governor had the bill in his possession longer than ten (10) days, as provided for in Article III, Section 18 of the Constitution of the State of Tennessee. Therefore, Senate Bill No. 2571 becomes law without the Governor's signature.

Sincerely,

/s/ Russell A. Humphrey
Chief Clerk of the Senate

June 8, 2004

The Honorable Riley Darnell
Secretary of State
Nashville, Tennessee 37243

Dear Mr. Secretary of State:

The Governor received Senate Bill No. 2951 on May 25, 2004, and returned the bill on June 8, 2004, without his signature. The Governor had the bill in his possession longer than ten (10) days, as provided for in Article III, Section 18 of the Constitution of the State of Tennessee. Therefore, Senate Bill No. 2951 becomes law without the Governor's signature.

Sincerely,

/s/ Russell A. Humphrey
Chief Clerk of the Senate

June 8, 2004

The Honorable Riley Darnell
Secretary of State
Nashville, Tennessee 37243

Dear Mr. Secretary of State:

The Governor received Senate Bill No. 2992 on May 25, 2004, and returned the bill on June 8, 2004, without his signature. The Governor had the bill in his possession longer than ten (10) days, as provided for in Article III, Section 18 of the Constitution of the State of Tennessee. Therefore, Senate Bill No. 2992 becomes law without the Governor's signature.

Sincerely,

/s/ Russell A. Humphrey
Chief Clerk of the Senate

June 8, 2004

The Honorable Riley Darnell
Secretary of State
Nashville, Tennessee 37243

Dear Mr. Secretary of State:

The Governor received Senate Bill No. 3045 on May 25, 2004, and returned the bill on June 8, 2004, without his signature. The Governor had the bill in his possession longer than ten (10) days, as provided for in Article III, Section 18 of the Constitution of the State of Tennessee. Therefore, Senate Bill No. 3045 becomes law without the Governor's signature.

Sincerely,

/s/ Russell A. Humphrey
Chief Clerk of the Senate

June 8, 2004

The Honorable Riley Darnell
Secretary of State
Nashville, Tennessee 37243

Dear Mr. Secretary of State:

The Governor received Senate Bill No. 3066 on May 25, 2004, and returned the bill on June 8, 2004, without his signature. The Governor had the bill in his possession longer than ten (10) days, as provided for in Article III, Section 18 of the Constitution of the State of Tennessee. Therefore, Senate Bill No. 3066 becomes law without the Governor's signature.

Sincerely,

/s/ Russell A. Humphrey
Chief Clerk of the Senate

June 8, 2004

The Honorable John S. Wilder
Lieutenant Governor and Speaker of the Senate
1 Legislative Plaza
Nashville, TN 37243

Dear Governor Wilder:

As you know, I have allowed House Bill No. 3591 to become law without signature.

Although I have concerns that this legislation runs contrary to the state's public policy goals with regard to food safety, I am allowing this legislation to become law in deference to the overwhelming vote in the General Assembly and the limited scope of this legislation.

I think it is unwise to exclude any event or entity from the prudent food safety rules of the State Department of Health. I am particularly concerned when the elderly are involved.

I have asked the State Department of Health to be available on a voluntary basis to the organizations that are exempted by this legislation. I will encourage these organizations to work closely with the department to ensure that people can continue to enjoy these events without concerns about food safety.

I think this is something we should reconsider in the next legislative session. I look forward to working with you in the months ahead.

Warmest regards,

/s/ Phil Bredesen

MESSAGE FROM THE GOVERNOR

June 15, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 374, 429, 555, 596, 601, 2152, 2329, 2722, 2860, 2915, 2916, 3057, 3102, 3158, 3193, 3277, 3291, 3295, 3415, 3434, 3454 and 3456; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

MESSAGE FROM THE HOUSE

June 17, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2497; and House Joint Resolution No. 998; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

June 18, 2004

The Speaker announced that he had signed the following: House Bill No. 2497; and House Joint Resolution No. 998.

MESSAGE FROM THE HOUSE

June 30, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3615, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

FRIDAY, MAY 21, 2004 -- 92ND LEGISLATIVE DAY

SIGNED

June 30, 2004

The Speaker announced that he had signed the following: House Bill No. 3615.

September 7, 2004

The Honorable John S. Wilder
Speaker of the Senate
State of Tennessee
1 Legislative Plaza
Nashville, TN 37243

Dear Speaker Wilder:

Senate Bill No. 2180 was sent to the Governor with an error. The House of Representatives and the Senate did not adopt the amendments to Senate Bill No. 2180 in identical order. The Governor signed Senate Bill No. 2180 and the Secretary of State assigned it Public Chapter No. 801.

This measure has not passed both houses of the General Assembly in the same form, therefore Public Chapter No. 801 is invalid.

If you have any questions, please let me know.

With kindest regards, I am,

Yours truly,

/s/ Russell A. Humphrey
Chief Clerk of the Senate

cc: The Honorable Jimmy Naifeh, Speaker of the House
The Honorable David Fowler, State Senator
The Honorable Paul Summers, Attorney General
The Honorable Riley Darnell, Secretary of State
Mr. Burney T. Durham, Chief Clerk of the House
Ms. Ellen Tewes, Director of Legal Services